



# Immigration Act 2014

## 2014 CHAPTER 22

### PART 4

#### MARRIAGE AND CIVIL PARTNERSHIP

### CHAPTER 3

#### OTHER PROVISIONS

*Persons not relevant nationals etc: marriage on superintendent registrar's certificates*

VALID FROM 02/03/2015

#### **57 Solemnization of marriage according to rites of Church of England**

- (1) The Marriage Act 1949 is amended in accordance with this section.
- (2) In section 5 (methods of authorising marriages)—
  - (a) at the beginning insert—

“(1)”;
  - (b) in the words after paragraph (d), for “except that paragraph (a)” substitute—

“(2) Subsection (1)(a)”;
  - (c) at the end insert—

“(3) In a case where one or both of the persons whose marriage is to be solemnized is not a relevant national—
    - (a) subsection (1)(a) shall not apply unless the banns are published in accordance with section 14 (whether or not the banns are also published otherwise);
    - (b) subsection (1)(c) shall not apply.”.

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- (3) In section 8 (notice to clergy before publication of banns)—
- (a) at the beginning insert—
    - “(1)”;
  - (b) for “delivered to him a notice” substitute “delivered to him—
    - (a) a notice”;
  - (c) at the end insert “, and
    - (b) specified evidence that both of the persons are relevant nationals.
- (2) In this section “specified evidence” means evidence that is in accordance with regulations made under section 28G.”.
- (4) In section 16 (provisions as to common licences), before subsection (2) insert—
- “(1C) A common licence shall not be granted unless the persons to be married deliver to the person granting the licence specified evidence that both of the persons are relevant nationals.
- (1D) For that purpose “specified evidence” means evidence that is in accordance with regulations made under section 28G.”.

## 58 Requirement as to giving of notice of marriage or civil partnership

- (1) Section 19 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (procedure for marriage in England and Wales) is amended in accordance with subsections (2) and (3).
- (2) For subsection (1) substitute—
- “(1) This section applies to a marriage that is to be solemnised on the authority of certificates issued by a superintendent registrar under Part 3 of the Marriage Act 1949 (the “1949 Act”) unless each party to the marriage falls within exception A or exception B.
- (1A) A party to the marriage falls within exception A if the person is a relevant national.
- (1B) A party to the marriage falls within exception B if—
- (a) the person is exempt from immigration control, and
  - (b) the notice of marriage is accompanied by the specified evidence required by section 28C(2) of the 1949 Act that the person is exempt from immigration control.”.

(3) For subsection (4) substitute—

“(4) In this section—

    - (a) a reference to a person being a relevant national, or being exempt from immigration control, has the same meaning as in section 49 of the Immigration Act 2014;
    - (b) “notice of marriage” means a notice of marriage given under section 27 of the 1949 Act.”.

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(4) Schedule 23 to the Civil Partnership Act 2004 (immigration control and formation of civil partnerships) is amended in accordance with subsections (5) to (9).

(5) Before paragraph 1 insert—

“A1

(1) Part 2 of this Schedule applies to a civil partnership that is to be formed in England and Wales by signing a civil partnership schedule unless each party to the civil partnership falls within exception A or exception B.

(2) A party to the civil partnership falls within exception A if the person is a relevant national.

(3) A party to the civil partnership falls within exception B if—

- (a) the person is exempt from immigration control, and
- (b) the notice of civil partnership is accompanied by the specified evidence required by section 9A(2) that the person is exempt from immigration control.

(4) In this paragraph, a reference to a person being a relevant national, or being exempt from immigration control, has the same meaning as in section 49 of the Immigration Act 2014.”

(6) For paragraph 1(1) substitute—

“1

(1A) Part 3 of this Schedule applies if—

- (a) two people wish to register in Scotland as civil partners of each other, and
- (b) one of them is subject to immigration control.

(1B) Part 4 of this Schedule applies if—

- (a) two people wish to register in Northern Ireland as civil partners of each other, and
- (b) one of them is subject to immigration control.”

(7) For paragraph 3 substitute—

“3

This Part of this Schedule applies as mentioned in paragraph A1.”

(8) For paragraph 8 substitute—

“8

This Part of this Schedule applies as mentioned in paragraph 1(1A).”

(9) For paragraph 12 substitute—

“12

This Part of this Schedule applies as mentioned in paragraph 1(1B).”

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**Commencement Information**

**II** S. 58 in force at 1.3.2015 by S.I. 2015/371, **art. 2(1)(j)** (with **art. 6**)

*Information*

**59 Information**

Schedule 6 (information) has effect.

*Miscellaneous*

**60 Regulations about evidence**

- (1) The Secretary of State may make regulations about evidence relevant to the determination of any of the following questions for a purpose of this Part—
  - (a) whether a person is a relevant national;
  - (b) whether a person has the appropriate immigration status;
  - (c) whether a person has a relevant visa.
- (2) The regulations may, in particular, make provision about—
  - (a) the kind of evidence which is to be supplied;
  - (b) the form in which evidence is to be supplied;
  - (c) the manner in which evidence is to be supplied;
  - (d) the period within which evidence is to be supplied;
  - (e) the supply of further evidence;
  - (f) the sufficiency of evidence supplied;
  - (g) the consequences of failing to supply sufficient evidence in accordance with the regulations (including provision to secure that, in such a case, a particular decision is made or is to be treated as having been made);
  - (h) the retention or copying of evidence supplied.
- (3) The Secretary of State must consult the Registrar General before making regulations under this section.
- (4) In this section “evidence” includes a photograph or other image.

**Commencement Information**

**I2** S. 60 in force at 20.10.2014 by S.I. 2014/2771, **art. 3(i)**

**61 Notices**

- (1) The Secretary of State may, by regulations, make provision about the giving of—
  - (a) notices under any provision of this Part;
  - (b) notices relating to the referral of proposed marriages under section 28H of the Marriage Act 1949 which are given under any provision of that Act;

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- (c) notices relating to the referral of proposed civil partnerships under section 12A of the Civil Partnership Act 2004 which are given under any provision of that Act.
- (2) The regulations may, in particular, make provision that a notice given in accordance with the regulations is to be presumed to have been received by the person to whom it is given.
- (3) The Secretary of State must consult the Registrar General before making regulations under this section.

#### Commencement Information

I3 S. 61 in force at 20.10.2014 by S.I. 2014/2771, art. 3(j)

## 62 Interpretation of this Part

- (1) These expressions have the meanings given—
  - “exempt person” has the meaning given in section 49;
  - “registrar” means a registrar of births, deaths and marriages;
  - “Registrar General” [<sup>F1</sup>means—
    - (a) in relation to regulations that apply to proposed marriages or civil partnerships under the law of England and Wales, the Registrar General for England and Wales;
    - (b) in relation to regulations that apply to proposed marriages or civil partnerships under the law of Northern Ireland, the Registrar General for Northern Ireland;
    - (c) [<sup>F2</sup>in relation to regulations that apply to proposed marriages or civil partnerships under the law of Scotland, the Registrar General for Scotland.]]
  - “registration authority” has the same meaning as in the Civil Partnership Act 2004 (see section 28 of that Act);
  - “relevant national” means—
    - (a) a British citizen,
    - (b) a national of an EEA State other than the United Kingdom, or
    - (c) a national of Switzerland;
  - “relevant statutory period” means—
    - (a) in relation to a proposed marriage [<sup>F3</sup>under the law of England and Wales], the period—
      - (i) beginning the day after notice of the proposed marriage is entered in the marriage book in accordance with Part 3 of the Marriage Act 1949, or is entered in an approved electronic form by virtue of section 27(4A) of that Act, and
      - (ii) ending at the end of the period of 28 days beginning with that day;
    - (aa) [<sup>F4</sup>in relation to a proposed marriage under the law of Northern Ireland, the period—

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- (i) beginning the day on which the record of the proposed marriage is made in the marriage notice book in accordance with Article 4 of the Marriage (Northern Ireland) Order 2003; and
- (ii) ending at the end of the period of 28 days beginning with that day;]
- (ab) [<sup>F5</sup>in relation to a proposed marriage under the law of Scotland, the period—
  - (i) beginning the day after receipt by the district registrar of the marriage notice (as entered by the district registrar in the marriage notice book in accordance with section 4(1) of the Marriage (Scotland) Act 1977), and
  - (ii) ending at the end of the period of 28 days beginning with that day;]
- (b) in relation to a proposed civil partnership [<sup>F6</sup>under the law of England and Wales] , the period—
  - (i) beginning the day after notice of the proposed civil partnership is recorded in the register in accordance with Chapter 1 of Part 2 of the Civil Partnership Act 2004, and
  - (ii) ending at the end of the period of 28 days beginning with that day;
- (ba) [<sup>F7</sup>in relation to a proposed civil partnership under the law of Northern Ireland, the period—
  - (i) beginning the day on which the record of the proposed civil partnership is made in the civil partnership notice book in accordance with section 140(1) of the Civil Partnership Act 2004, and
  - (ii) ending at the end of the period of 28 days beginning with that day;]
- (bb) [<sup>F8</sup>in relation to a proposed civil partnership under the law of Scotland, the period—
  - (i) beginning the day after the particulars of the proposed civil partnership are entered in the civil partnership book in accordance with section 89(1) of the Civil Partnership Act 2004, and
  - (ii) ending at the end of the period of 28 days beginning with that day;]
- [<sup>F9</sup>“section 48 notice” means—
  - (a) in relation to a proposed marriage or civil partnership under the law of England and Wales, a notice given under section 48(7) or (8),
  - (b) in relation to a proposed marriage or civil partnership under the law of Northern Ireland, a notice given under section 48(8A) or (8B),
  - (c) [<sup>F10</sup>in relation to a proposed marriage or civil partnership under the law of Scotland, a notice given under section 48(8C) or (8D)];]
 “superintendent registrar” means a superintendent registrar of births, deaths and marriages.

- (2) A reference to a person being a party to a proposed marriage or civil partnership is a reference to a person who would be a party to the marriage or civil partnership if it took place as proposed.

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- (3) A reference to a proposed marriage or civil partnership being a sham is a reference to a marriage or civil partnership which would (if it took place as proposed) be a sham marriage or sham civil partnership (within the meaning of the Immigration and Asylum Act 1999 — see section 24 or 24A of that Act).
- (4) For provision about the interpretation of the following expressions, see section 49—
  - (a) the appropriate immigration status;
  - (b) a relevant visa.
- (5) This section, and the provision mentioned in subsection (4), apply for the purposes of this Part.

#### Textual Amendments

- F1** Words in s. 62(1) substituted (1.3.2015) by The Referral and Investigation of Proposed Marriages and Civil Partnerships (Northern Ireland and Miscellaneous Provisions) Order 2015 (S.I. 2015/395), art. 1(2), **Sch. 4 para. 4(a)**
- F2** Words in s. 62(1) inserted (1.3.2015) by The Referral and Investigation of Proposed Marriages and Civil Partnerships (Scotland) Order 2015 (S.I. 2015/396), art. 1(2), **Sch. 4 para. 4(2)**
- F3** Words in s. 62(1) inserted (1.3.2015) by The Referral and Investigation of Proposed Marriages and Civil Partnerships (Northern Ireland and Miscellaneous Provisions) Order 2015 (S.I. 2015/395), art. 1(2), **Sch. 4 para. 4(b)(i)**
- F4** Words in s. 62(1) inserted (1.3.2015) by The Referral and Investigation of Proposed Marriages and Civil Partnerships (Northern Ireland and Miscellaneous Provisions) Order 2015 (S.I. 2015/395), art. 1(2), **Sch. 4 para. 4(b)(ii)**
- F5** Words in s. 62(1) inserted (1.3.2015) by The Referral and Investigation of Proposed Marriages and Civil Partnerships (Scotland) Order 2015 (S.I. 2015/396), art. 1(2), **Sch. 4 para. 4(3)(a)** (with art. 1(4))
- F6** Words in s. 62(1) inserted (1.3.2015) by The Referral and Investigation of Proposed Marriages and Civil Partnerships (Northern Ireland and Miscellaneous Provisions) Order 2015 (S.I. 2015/395), art. 1(2), **Sch. 4 para. 4(b)(iii)**
- F7** Words in s. 62(1) inserted (1.3.2015) by The Referral and Investigation of Proposed Marriages and Civil Partnerships (Northern Ireland and Miscellaneous Provisions) Order 2015 (S.I. 2015/395), art. 1(2), **Sch. 4 para. 4(b)(iv)**
- F8** Words in s. 62(1) inserted (1.3.2015) by The Referral and Investigation of Proposed Marriages and Civil Partnerships (Scotland) Order 2015 (S.I. 2015/396), art. 1(2), **Sch. 4 para. 4(3)(b)** (with art. 1(5))
- F9** Words in s. 62(1) substituted (1.3.2015) by The Referral and Investigation of Proposed Marriages and Civil Partnerships (Northern Ireland and Miscellaneous Provisions) Order 2015 (S.I. 2015/395), art. 1(2), **Sch. 4 para. 4(c)**
- F10** Words in s. 62(1) inserted (1.3.2015) by The Referral and Investigation of Proposed Marriages and Civil Partnerships (Scotland) Order 2015 (S.I. 2015/396), art. 1(2), **Sch. 4 para. 4(4)**

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