

Changes to legislation: Immigration Act 2014, Cross Heading: Supply of additional information and evidence is up to date with all changes known to be in force on or before 02 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 4

REFERRAL OF PROPOSED MARRIAGES AND CIVIL PARTNERSHIPS IN ENGLAND AND WALES

PART 2

CIVIL PARTNERSHIP

Supply of additional information and evidence

- 19 (1) Section 8 (notice of proposed civil partnership and declaration) is amended in accordance with this paragraph.
- (2) In subsection (4), after paragraph (b) insert—
- “(c) that the proposed civil partner believes all of the information stated in the notice, and all information and evidence supplied with the notice, is true.”.
- (3) After subsection (5) insert—
- “(5A) Subsection (5) is subject to section 9F.”.

Commencement Information

II Sch. 4 para. 19 in force at 1.3.2015 by S.I. 2015/371, art. 2(1)(f)

- 20 After section 8 insert—

“8A Additional information if party not relevant national

- (1) This section applies to notice of proposed civil partnership given to a registration authority in accordance with section 8 if one, or each, of the parties to the proposed civil partnership is not a relevant national.
- (2) But this section does not apply if Schedule 3 applies to the proposed civil partnership.
- (3) For each party to the proposed civil partnership who is not a relevant national, the notice must include whichever of statements A, B or C is applicable to that person.
- (4) Statement A is a statement that the person has the appropriate immigration status.
- (5) Statement B is a statement that the person holds a relevant visa in respect of the proposed civil partnership.

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- (6) Statement C is a statement that the person neither—
 - (a) has the appropriate immigration status, nor
 - (b) holds a relevant visa in respect of the proposed civil partnership.
- (7) If the notice contains the statement referred to in the first column of an entry in this table, the notice must be accompanied by the information and photographs referred to in the second column of that entry (insofar as that entry is applicable to the parties to the proposed civil partnership)—

<i>If the notice includes this statement...</i>	<i>...the notice must be accompanied by...</i>
Statement A (in respect of one or both of the parties to the proposed civil partnership)	For each party in respect of whom statement A is made, details of the particular immigration status which that party has
Statement B (in respect of one or both of the parties to the proposed civil partnership)	<ul style="list-style-type: none"> (1) For each party, a specified photograph of that party (2) For each party in respect of whom statement B is made, details of the relevant visa which that party has
Statement C (in respect of one or both of the parties to the proposed civil partnership)	<ul style="list-style-type: none"> (1) For each party, a specified photograph of that party (2) For each party, the usual address of that party (3) For each party whose usual address is outside the United Kingdom, an address in the United Kingdom at which that party can be contacted by post (4) For each party who has previously used any name or names other than the person's name stated in the notice of proposed civil partnership in accordance with regulations under section 8(2), a statement of the other name or names (5) For each party who currently uses, or has previously used, an alias or aliases, a statement of the alias or aliases

- (8) If the notice contains more than one of statements A, B and C, subsection (7) must be complied with in relation to each of those statements; but where the notice contains statements B and C, subsection (7) does not require the notice to be accompanied by more than one specified photograph of each party.
- (9) If the notice includes statement C for a party to the proposed civil partnership—

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- (a) the notice may be accompanied by a statement (“statement D”) of that person's immigration position in the United Kingdom;
 - (b) if the notice is accompanied by statement D for a party to the proposed civil partnership, the person may provide the registration authority with details of his or her immigration position in the United Kingdom; and
 - (c) if any such details are provided, the registration authority must record them.
- (10) In this section—
- (a) a reference—
 - (i) to a person having the appropriate immigration status, or
 - (ii) to a person holding a relevant visa,
 has the same meaning as in section 49 of the Immigration Act 2014;
 - (b) a reference to the particular immigration status which a person has is a reference to the immigration status set out in any of paragraphs (a) to (c) of section 49(2) of that Act which the person has;
 - (c) a reference to a person's immigration position in the United Kingdom includes a reference to the person's not being entitled to be in the United Kingdom.
- (11) In this section “specified photograph” means a photograph that is in accordance with regulations made under section 9E (and for this purpose “photograph” includes other kinds of images).”.

Commencement Information

- I2** [Sch. 4 para. 20](#) in force at 20.10.2014 for specified purposes by [S.I. 2014/2771](#), [art. 3\(e\)](#)
- I3** [Sch. 4 para. 20](#) in force at 1.3.2015 in so far as not already in force by [S.I. 2015/371](#), [art. 2\(1\)\(f\)](#)

21 For section 9 substitute—

“9 Evidence

- (1) A notice of proposed civil partnership under section 8 must, in relation to each of the parties to the civil partnership, be accompanied by specified evidence of the following matters—
 - (a) the person's name and surname;
 - (b) the person's date of birth;
 - (c) the person's place of residence;
 - (d) the person's nationality.
- (2) A person giving a notice of proposed civil partnership under section 8 must provide the registration authority to which the notice is given with specified evidence—
 - (a) as to whether the person has previously formed a civil partnership or been married; and
 - (b) if so, as to the ending of the civil partnership or marriage.
- (3) In this section “specified evidence” means evidence that is in accordance with regulations made under section 9E.

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9A Additional evidence if party not relevant national

- (1) This section applies to notice of proposed civil partnership given to a registration authority in accordance with section 8 if one, or each, of the parties to the proposed civil partnership is not a relevant national.
- (2) If the notice includes statement A (referred to in section 8A(4)), and accordingly is accompanied by details of the particular immigration status which a party to the proposed civil partnership has, the notice must be accompanied by specified evidence of that status.
- (3) If the notice includes statement B (referred to in section 8A(5)), the notice must be accompanied by specified evidence of the holding of the relevant visa by the party to the proposed civil partnership.
- (4) If, in accordance with section 8A(7), the notice is accompanied by the usual address of a party to the proposed civil partnership, the notice must also be accompanied by specified evidence that it is that party's usual address.
- (5) If the notice includes statement D (referred to in section 8A(9)), the notice may be accompanied by evidence of the person's immigration position in the United Kingdom.
- (6) If subsection (2) or (3) applies to the notice, and the notice is not accompanied by the specified evidence required by that subsection, the notice must be accompanied by—
 - (a) photographs and addresses of the kinds referred to in paragraphs 1 and 2 in the relevant entry in section 8A(7);
 - (b) as respects the usual address of each party that is provided in accordance with paragraph (a), specified evidence that the address provided is that party's usual address; and
 - (c) addresses, names and aliases of the kinds referred to in paragraphs 3 to 5 in the relevant entry in section 8A(7) (insofar as those paragraphs are applicable to the parties to the proposed civil partnership).
- (7) In this section—

“relevant entry in section 8A(7)” means the second column of the last entry in the table in section 8A(7);

“specified evidence” means evidence that is in accordance with regulations made under section 9E.

9B Change of usual address or UK contact address

- (1) The Secretary of State may, by regulations, make provision about the giving to the Secretary of State of—
 - (a) notice of a person's usual address, if the person's notified usual address changes;
 - (b) notice of a UK contact address, if the person's notified usual address is not in the United Kingdom;
 - (c) notice of a person's UK contact address, if the person's notified UK contact address changes;

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- (d) evidence of any address notified in accordance with regulations under paragraph (a), (b) or (c).
- (2) The provision that may be made in regulations under this section includes—
 - (a) provision imposing a requirement on a person;
 - (b) provision about the rejection of information or evidence which there are reasonable grounds to suspect to be false.
- (3) Regulations under subsection (1)(d) may, in particular, make any provision of the kind that may be made under section 9E(3).
- (4) In this section—
 - “notified UK contact address” means an address in the United Kingdom, at which a person can be contacted by post, that has been notified in accordance with—
 - (a) section 8A(7) or 9A(6), or
 - (b) regulations under this section;
 - “notified usual address” means the usual address of a person that has been notified in accordance with—
 - (a) section 8A(7) or 9A(6), or
 - (b) regulations under this section.

9C Rejection of false information or evidence

- (1) A registration authority may reject—
 - (a) any information or photograph provided under section 8, 8A or 9A, or
 - (b) any evidence provided under section 9 or 9A,
 if (in particular) the registration authority has reasonable grounds for suspecting that the information, photograph or evidence is false.
- (2) If the registration authority rejects any information, photograph or evidence, the registration authority may proceed under this Act as if the rejected information, photograph or evidence had not been provided.
- (3) This section does not limit the powers of registration authorities to reject anything provided under any other enactment.

9D Amendment of notice and evidence provisions

- (1) The Secretary of State may by order—
 - (a) amend section 8A or 9A so as to vary the information that must or may be given in cases where that section applies;
 - (b) amend section 9 or 9A so as to vary the matters in respect of which specified evidence must or may be given in cases where that section applies;
 - (c) make such provision (including provision amending section 9B or 9E or any other enactment) as the Secretary of State considers appropriate in consequence of provision made under paragraph (a) or (b).

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- (2) The Secretary of State must consult the Registrar General before making an order under this section.

9E Specified evidence

- (1) The Registrar General may make regulations about the evidence that is required to be given for the purposes of section 9.
- (2) The Secretary of State may make regulations about the evidence that is required to be given for the purposes of section 9A.
- (3) Regulations under this section 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.
- (4) In this section “evidence” includes a photograph or other image.
- (5) The Registrar General must obtain the approval of the Secretary of State before making regulations under this section.
- (6) The Secretary of State must consult the Registrar General before making regulations under this section.

9F Recording of information in the register: compliance with requirements

The registration authority must not enter in the register the information relating to a proposed civil partnership mentioned in section 8(5) in a case where any of the requirements imposed by or under any of the following provisions of this Act is applicable but is not complied with—

section 8A(3) to (7);
 section 8A(8);
 section 9(1);
 section 9A(4) or (6);
 section 18(3);
 section 19(3);
 paragraph 5(1) of Schedule 1;
 paragraph 4 of Schedule 23.”.

Commencement Information

I4 [Sch. 4 para. 21](#) in force at 20.10.2014 for specified purposes by [S.I. 2014/2771](#), [art. 3\(e\)](#)

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15 [Sch. 4 para. 21](#) in force at 1.3.2015 in so far as not already in force by [S.I. 2015/371](#), [art. 2\(1\)\(f\)](#)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2014/2771 by [S.I. 2015/371 art. 78](#)
- specified provision(s) savings for earlier commencing SI 2014/2771 by [S.I. 2014/2928 art. 2](#) (Amendment already reflected in Appended Commentary in EXTOES for 2014 SI2771.)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 21(4A) inserted by [S.I. 2019/745 reg. 21\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(2)(3) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- s. 27(7) inserted by [S.I. 2019/745 reg. 21\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(2)(3) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- s. 70A(6A) inserted by [S.I. 2019/745 reg. 21\(7\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(7) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- Sch. 3 para. 8A inserted by [2016 c. 19 Sch. 12 para. 16](#)