



Immigration Act 2014

2014 CHAPTER 22

PART 4

MARRIAGE AND CIVIL PARTNERSHIP

CHAPTER 1

REFERRAL AND INVESTIGATION OF PROPOSED MARRIAGES AND CIVIL PARTNERSHIPS

Investigation

48 Decision whether to investigate

(1) This section applies if—

- (a) a superintendent registrar refers a proposed marriage to the Secretary of State under section 28H of the Marriage Act 1949, or
- (b) a registration authority refers a proposed civil partnership to the Secretary of State under section 12A of the Civil Partnership Act 2004.

[^{F1}(1A) This section also applies if—

- (a) a registrar refers a proposed marriage to the Secretary of State under Article 3E of the Marriage (Northern Ireland) Order 2003, or
- (b) a registrar refers a proposed civil partnership to the Secretary of State under section 139E of the Civil Partnership Act 2004.]

[^{F2}(1B) This section also applies if—

- (a) a district registrar refers a proposed marriage to the Secretary of State under section 3F of the Marriage (Scotland) Act 1977, or
- (b) a district registrar refers a proposed civil partnership to the Secretary of State under section 88F of the Civil Partnership Act 2004.]

(2) The Secretary of State must decide whether to investigate whether the proposed marriage or civil partnership is a sham.

Status: Point in time view as at 04/05/2021.

Changes to legislation: Immigration Act 2014, Section 48 is up to date with all changes known to be in force on or before 10 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)

- (3) The Secretary of State may not decide to conduct such an investigation unless conditions A and B are met.
- (4) Condition A is met if the Secretary of State is satisfied that—
- (a) only one of the parties to the proposed marriage or civil partnership is an exempt person, or
 - (b) neither of the parties are exempt persons.
- (5) Condition B is met if the Secretary of State has reasonable grounds for suspecting that the proposed marriage or civil partnership is a sham.
- (6) In making the decision whether to investigate, regard must be had to any guidance published by the Secretary of State for this purpose.
- (7) In the case of a proposed marriage [^{F3}referred to the Secretary of State as mentioned in subsection (1)(a)], the Secretary of State must give notice of the decision made under this section to—
- (a) both of the parties to the proposed marriage, ^{F4}...
 - (b) the superintendent registrar who referred the proposed marriage to the Secretary of State [^{F5}, and
 - (c) if different, the superintendent registrar responsible for issuing the marriage schedule under section 31 of the Marriage Act 1949 in relation to the proposed marriage.]
- (8) In the case of a proposed civil partnership [^{F6}referred to the Secretary of State as mentioned in subsection (1)(b)], the Secretary of State must give notice of the decision made under this section to—
- (a) both of the parties to the proposed civil partnership,
 - (b) the registration authority who referred the proposed civil partnership to the Secretary of State, and
 - (c) if different, the registration authority responsible for issuing the civil partnership schedule under section 14(1) of the Civil Partnership Act 2004 in relation to the proposed civil partnership.
- [^{F7}(8A) In the case of a proposed marriage referred to the Secretary of State as mentioned in subsection (1A)(a), the Secretary of State must give notice of the decision made under this section to—
- (a) both of the parties to the proposed marriage, and
 - (b) the registrar who referred the proposed marriage to the Secretary of State.
- (8B) In the case of a proposed civil partnership referred to the Secretary of State as mentioned in subsection (1A)(b), the Secretary of State must give notice of the decision made under this section to—
- (a) both of the parties to the proposed civil partnership, and
 - (b) the registrar who referred the proposed civil partnership to the Secretary of State.]

[^{F8}(8C) In the case of a proposed marriage referred to the Secretary of State as mentioned in subsection (1B)(a), the Secretary of State must give notice of the decision made under this section to—

 - (a) both of the parties to the proposed marriage, and

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- (b) the district registrar who referred the proposed marriage to the Secretary of State.
- (8D) In the case of a proposed civil partnership referred to the Secretary of State as mentioned in subsection (1B)(b), the Secretary of State must give the notice of the decision made under this section to—
- (a) both of the parties to the proposed civil partnership, and
- (b) the district registrar who referred the proposed civil partnership to the Secretary of State.]
- (9) The Secretary of State must make the decision, and give the notice, required by this section within the relevant statutory period.

Textual Amendments

- F1** S. 48(1A) 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. 2\(a\)](#) (with art. 1(3))
- F2** S. 48(1B) 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. 2\(a\)](#) (with art. 1(3))
- F3** Words in s. 48(7) 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. 2\(b\)](#) (with art. 1(3))
- F4** Word in s. 48(7)(a) omitted (4.5.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), [Sch. 1 para. 62\(2\)\(a\)](#) (with Sch. 2)
- F5** S. 48(7)(c) and word inserted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), [Sch. 1 para. 62\(2\)\(b\)](#) (with Sch. 2)
- F6** Words in s. 48(8) 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. 2\(c\)](#) (with art. 1(3))
- F7** S. 48(8A)(8B) 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. 2\(d\)](#) (with art. 1(3))
- F8** S. 48(8C)(8D) 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. 2\(b\)](#) (with art. 1(3))

Commencement Information

- I1** S. 48 in force at 1.3.2015 by [S.I. 2015/371](#), [art. 2\(1\)\(a\)](#)

Status:

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