



Immigration Act 2014

2014 CHAPTER 22

PART 4

MARRIAGE AND CIVIL PARTNERSHIP

CHAPTER 1

REFERRAL AND INVESTIGATION OF PROPOSED MARRIAGES AND CIVIL PARTNERSHIPS

Investigation

50 Conduct of investigation

- (1) An investigation must be conducted in accordance with any regulations made by the Secretary of State for this purpose.
- (2) In conducting an investigation, regard must also be had to any guidance published by the Secretary of State for this purpose.
- (3) A relevant party must comply with a requirement specified in regulations made under section 51(4) if—
 - (a) the section 48 notice given to the relevant party states that he or she must do so, or
 - (b) the Secretary of State subsequently notifies the relevant party (orally or in writing) that he or she must do so;and the relevant party must comply with that requirement in the manner stated in the section 48 notice or in the Secretary of State's notification (if such a manner is stated there).
- (4) As part of an investigation, the Secretary of State must decide whether or not each of the relevant parties has complied with the investigation (the "compliance question").

Status: This is the original version (as it was originally enacted).

- (5) The compliance question must be decided in accordance with any regulations made by the Secretary of State for this purpose.
- (6) In deciding the compliance question, regard must also be had to any guidance published by the Secretary of State for this purpose.
- (7) Within the 70 day period, the Secretary of State must—
 - (a) decide the compliance question; and
 - (b) give notice of that decision to the persons to whom the Secretary of State gave the section 48 notice relating to the proposed marriage or civil partnership.
- (8) If the Secretary of State’s decision is that one or both of the relevant parties have not complied with the investigation, the notice under subsection (7) must include a statement of the Secretary of State’s reasons for reaching that decision.
- (9) Regulations made under this section may, in particular, make provision about—
 - (a) the circumstances in which a relevant party is to be taken to have failed to comply with a relevant requirement;
 - (b) the consequences of a relevant party’s failure to comply with a relevant requirement.
- (10) The provision that may be made under subsection (9)(b) includes provision for the compliance question to be decided (in whole or in part) by reference to a relevant party’s compliance or non-compliance with one or more relevant requirements.
- (11) In this section—
 - “70 day period” means the period of 70 days beginning with the day on which the relevant statutory period begins;
 - “investigation” means an investigation, conducted following a decision by the Secretary of State under section 48, whether a proposed marriage or civil partnership is a sham;
 - “relevant party” means a person who is a party to a proposed marriage or civil partnership that is the subject of an investigation;
 - “relevant requirement” means any requirement imposed by law, including a requirement imposed by or in accordance with—
 - (a) subsection (3);
 - (b) section 27E, 28B or 28C of the Marriage Act 1949;
 - (c) regulations under section 28D of that Act;
 - (d) section 8A, or any of sections 9 to 9B, of the Civil Partnership Act 2004.