

**EXPLANATORY MEMORANDUM TO
THE IMMIGRATION (PROCEDURE FOR MARRIAGE) (AMENDMENT)
REGULATIONS 2013**

2013 No. 226

**THE IMMIGRATION (PROCEDURE FOR FORMATION OF CIVIL
PARTNERSHIPS) (AMENDMENT) REGULATIONS 2013**

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1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 These Regulations update the lists of specified registration districts in England and Wales and the registration authorities in England and Wales that appear in Schedule 1 of the Immigration (Procedure for Marriage) Regulations 2011 and Schedule 2 of the Immigration (Procedure for Formation of Civil Partnerships) Regulations 2011. The lists have been updated to reflect a change made by Ceredigion local authority to the organisation of their registration service. The revised information enables persons who are subject to immigration control within the UK to continue to give notice of marriage and civil partnership within Ceredigion local authority following the organisational change.

3. Matters of special interest to the [Joint Committee on Statutory Instruments *or* the Select Committee on Statutory Instruments]

3.1 None.

4. Legislative Context

4.1 Section 19(2)(a) of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 provides that where a marriage is to be solemnised in England and Wales, notices under section 27 of the Marriage Act 1949 must be given to the superintendent registrar of a registration district. Paragraph 4(1) of Schedule 23 to the Civil Partnership Act 2004 provides for notices of proposed civil partnerships to be formed in England and Wales to be given in a specified registration authority at a specified register office. The registration districts specified for the purposes of giving notice of marriage were first listed in the Immigration (Procedure for Marriage) Regulations 2005 (S.I. 2005/15). The register offices for the purposes of giving notice of civil partnership were first listed in the Immigration (Procedure for Formation of Civil Partnerships) Regulations 2005 (S.I. 2005/2917). Following organisational changes within a number of local authorities these Regulations were replaced in 2011 by the Immigration (Procedure for Marriage) Regulations 2011 (S.I. 2011/2678) and Immigration (Procedure for Formation of Civil Partnerships) Regulations 2011 (S.I. 2011/2679). These Regulations update the 2011 Regulations.

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The lists of specified registration districts and registration authorities in England and Wales need to be kept up-to-date to reflect the local changes to the registration districts and the register offices specified in relation to the registration authorities.

7.2 The changes within the Regulations are administrative and uncontroversial. They are required to ensure that persons subject to immigration control are able to enter into a marriage or a civil partnership in England and Wales by giving notice at a location specified for that purpose.

8. Consultation outcome

8.1 The amendments reflect a change in terminology as a consequence of the unified registration structure within the local authority and as such consultation on these regulations was not necessary.

9. Guidance

9.1 Couples will be advised by local authorities where they are required to give notice. The list of specified registration districts and register offices is available on the GOV.UK website.

10. Impact

10.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

10.2 The impact on the public sector is negligible.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The Government has no specific targets in this area as the changes reflect organisational changes that are the within the remit of the local authority.

13. Contact

Alison Bennett at the Home Office (tel. 020 7035 6903 or e-mail: Alison.Bennett@homeoffice.gsi.gov.uk) can answer any queries regarding the instrument.