STATUTORY INSTRUMENTS

2015 No. 159

MARRIAGE, ENGLAND AND WALES CIVIL PARTNERSHIP, ENGLAND AND WALES IMMIGRATION

The Proposed Marriages and Civil Partnerships (Waiting Period) Regulations 2015

Made - - - - 2nd February 2015
Coming into force - 2nd March 2015

The Secretary of State, in exercise of the powers conferred by sections 31(5ED) and 74(3) of the Marriage Act 1949(1) and sections 12(7) and 258(2) of the Civil Partnership Act 2004(2), and having consulted the Registrar General(3), makes the following Regulations:

Citation and commencement

- **1.**—(1) These Regulations may be cited as the Proposed Marriages and Civil Partnerships (Waiting Period) Regulations 2015.
 - (2) They come into force on 2nd March 2015.

Proposed marriage: application to reduce 28 or 70 day period

- **2.**—(1) An application made to the Secretary of State under section 31(5A), and in accordance with section 31(5EA), of the 1949 Act(4) must be made—
 - (a) by a party to the proposed marriage,

^{(1) 1949} c. 76; section 31(5ED) was inserted by paragraphs 1 and 10(1) and (3), and section 74(3) by paragraphs 1 and 15, of Schedule 4 to the Immigration Act 2014 (c. 22).

^{(2) 2004} c. 33; section 12(7) was inserted by paragraphs 18 and 23(1) and (3) of Schedule 4 to the Immigration Act 2014.

⁽³⁾ See section 31(5EE) of the Marriage Act 1949, which was inserted by paragraphs 1 and 10(1) and (3) of Schedule 4 to the Immigration Act 2014, and section 12(8) of the Civil Partnership Act 2004, which was inserted by paragraphs 18 and 23(1) and (2) of Schedule 4 to the Immigration Act 2014.

⁽⁴⁾ Section 31(5A) was inserted by section 160(6) of the Immigration and Asylum Act 1999 (c. 33) and amended by paragraphs 1 and 10(1) and (2)(c) of Schedule 4 to the Immigration Act 2014. Section 31(5EA) was inserted by paragraphs 1 and 10(1) and (3) of Schedule 4 to the Immigration Act 2014. In a case where the Secretary of State notifies the superintendent registrar of his or her decision to investigate whether the proposed marriage is a sham, the waiting period referred to in section 31 of the Marriage Act 1949 is extended from 28 days to 70 days (see the modifications in paragraph 3 of Schedule 3A to the Marriage Act 1949; Schedule 3A was inserted by paragraphs 1 and 9 of Schedule 4 to the Immigration Act 2014).

- (b) on form 1 in Schedule 1 if notice of marriage was given in England or form 1W in Schedule 2 if notice was given in Wales, together with any supporting evidence, and
- (c) by giving the form and any supporting evidence to the superintendent registrar to whom notice of marriage was given by the party.
- (2) The application must be accompanied by the fee (if any).
- (3) In this regulation—
 - "1949 Act" means the Marriage Act 1949,
 - "fee" means the fee specified in an order made under section 31(5F) of the 1949 Act(5).

Proposed civil partnership: application to shorten the 28 or 70 day period

- **3.**—(1) An application made to the Secretary of State under section 12(1), and in accordance with section 12(4), of the 2004 Act(6) must be made—
 - (a) by a party to the proposed civil partnership,
 - (b) on form 2 in Schedule 3 if notice of the proposed civil partnership was given in England or form 2W in Schedule 4 if notice was given in Wales, together with any supporting evidence, and
 - (c) by giving the form and any supporting evidence to the registration authority to which notice was given by the party.
 - (2) The application must be accompanied by the fee (if any).
 - (3) In this regulation—
 - "2004 Act" means the Civil Partnership Act 2004,
 - "fee" means the fee specified in an order made under section 34(1)(b) of the 2004 Act(7).

Further information or evidence

- **4.**—(1) The Secretary of State may request further information or evidence from a party for the purposes of determining an application mentioned in regulation 2 or 3.
- (2) In this regulation "party" means the party to the proposed marriage or (as the case may be) civil partnership who has made the application.

James Brokenshire
Minister of State
Home Office

2nd February 2015

⁽⁵⁾ Section 31(5F) was inserted by section 160(6) of the Immigration and Asylum Act 1999 and amended by S.I. 2008/678. A fee has been specified by virtue of S.I. 2010/441, which was amended by S.I. 2012/760 and S.I. 2014/1790 and is amended by S.I. 2015/117.

⁽⁶⁾ Section 12(1) was amended by paragraphs 18 and 23(1) and (2) of Schedule 4 to the Immigration Act 2014 and section 12(4) was inserted by paragraphs 18 and 23(1) and (2) of Schedule 4 to that Act. In a case where the Secretary of State notifies the registration authority of his or her decision to investigate whether the proposed civil partnership is a sham, the waiting period referred to in section 12 of the Civil Partnership Act 2004 is extended from 28 days to 70 days (see the modifications in paragraph 3 of Schedule 3A to the Civil Partnership Act 2004; Schedule 3A was inserted by paragraphs 18 and 25 of Schedule 4 to the Immigration Act 2014).

⁽⁷⁾ Section 8(1) was amended by S.I. 2008/678. A fee has been specified by virtue of S.I. 2014 / 1789 and is amended by S.I. 2015/117.

SCHEDULE 1

Regulation 2

РОИМ 1			Marriage Act 1964 v. 31(54) and (504)		
APPLICATION TO REDUCE THE 2879 DAY WAITING PERIOD					
Nettex of parties	Altro	Proposed date of members	Нестон питара		
		-			
or					
The offer party named above Varis and appl	ying to the Secretary of Sare for exclustion	of the 2870 day writing perio	d.		
The exceptional circumstances of my case a	14				
I rendose ite not esplose evidence in support of	ung application and I emolose the appropriate the.		(autino en a aposte doct (fraginal)		
Sgr.21		Smbat slaphe	ne marker (finaliable)		
* delete vitalisene deno ret apple					

SCHEDULE 2

Regulation 2

FORM IW

Metrizos Ast 1949, a. 31 (S.A.) and (SDA).

AFFLICATION TO REDUCE THE 2870 DAY WAITING PERIOD CAIS I DEHIAC'R CYFNOD AROS O 2870 DIWRNOD

Nemacof parties	Address	Proposed date of manage	Place of maniage		
Environ partion	Cyfeiliad.	Dydhad y bynisdir priod.	3dan p. red.		
gwo netwo of marraga u Dutries on	ganesad erwand Registrene Jángland apply as he Xanasay of Plats addinggeriad so but I may many un die	hyenyenel private ya N ar	्र <i>ान्तिको</i> अञ्चलको gais i'r Yagrifornydd. cyfrod arek o 2870 diwrned fel y gallaf brodi ar		
The other purry cannot above "have not applying to the Secretary of State 60, a valuation of the 227% day working period.			"Mac". O.d. yw", person crait a envur nabed yn gwneod cais i'r Ysgudennydd Gwledol an leibul yn y cyfrod onw o 2000 dromod		
The expertional enguintances of	my esse are	Aungylehiadau eithriad	A Synchia i ve.		
		(гомилия ис в муртом колт з	l my chedwelryderwee de liet at wellen as ees argan)		
	e in support of my application and Lenclose the a scholasth i dregally right is acytrychyd yn amphi				
Signed Hofedwyd	Dythical	. Contact telephone consider (if ovail Rhif ffor 1903; il., (se a 1921)	sole)		

SCHEDULE 3

 $Regulation \ 3$

FORM 2			Civil Partnership Act 2004, s. 12(1) and (4)		
APPLICATION TO REDUCE THE 28/70 DAY WAITING PERIOD					
Names of parties	Address	Proposed date of civil partnership	Place of formation of civil partnership		
I,					
on					
The other party named above *is/is not applying to the Secretary of State for a reduction of the 28/70 day waiting period.					
The exceptional circumstances of my case are:					
I *enclose/do not enclose evidence in support of	my application and I enclose the appropriate fee.		(continue on a separate sheet if required)		
	Date Con	tact telephone number (if available)	***************************************		

^{*} delete whichever does not apply

SCHEDULE 4

Regulation 3

Names of Parties Process* por feet	Addres Cyfrinad	Proposed date of over partnership Dyochod y hierarch für So partnershib sit.	Place of territorial of earlier hap Trotted für family for noticeth e Ti	
gove notice of avail portiesticp.		hysbysiad portrume (hisifilir Avalunkid (
Sawe and I apply to the Borestary of State far a reduction of the 197X; day warring your discribed I may from a could partnership on the proposed out a given above.		27 — sheked a gwed gazeth Segriforred Geradel an Istina o negfred ros o 2000 diversal to vigolaf Turke parteriadicalities v dyddiad a factoring a neddrosthos.		
The other party named shows fissioned applying to the Nacretary of State for a red. Alone of the 25/79 they waiting posted.		'Adoe'n's of yw'r pesson ardi'n enwur arbec yn gwneod caes i'r Ysgrafennydd. Cw'uild arr leitad yr y cyfnod ares o 23°N diwrnod		
The exceptional historivances of my rise are		Amgilahadan zilhilada. Iy sebas i yar		
	nce in suspect of my application and I enclose the ap tis act of algority agreed as you wifer engine of the	propriete lee.	tie inytistiwek estel en er veskôn os een anger	

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 4 of the Immigration Act 2014 (c. 22) ("the 2014 Act") establishes a scheme for the referral of proposed marriages and civil partnerships to the Secretary of State, who must decide whether to investigate whether the proposed marriage or civil partnership is a sham. All proposed marriages or civil partnerships where one party is, or both parties are, not exempt must be referred to the Secretary of State. Exempt persons include (amongst others) those are who are exempt from immigration control and those who have a relevant visa.

Under the Marriage Act 1949 (c. 76) and the Civil Partnership Act 2004 (c. 33), as amended by Part 4 of the 2014 Act, an application to reduce the waiting period(8) for marrying or registering a civil partnership must be made to the Secretary of State, rather than the Registrar General, in a case where the proposed marriage or civil partnership has been referred to the Secretary of State. The waiting period is extended from 28 days to 70 days in cases where the Secretary of State notifies the

⁽⁸⁾ The minimum waiting period was increased from 15 to 28 days by paragraphs 1 and 10 of Schedule 4 to the Immigration Act 2014 (c. 22) in respect of proposed marriages and by paragraphs 18 and 22 of Schedule 4 to that Act in respect of proposed civil partnerships.

Document Generated: 2023-05-10

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

superintendent registrar or (as the case may be) registration authority of her decision to investigate whether the proposed marriage or civil partnership is a sham.

Regulation 2 sets out the procedure for making an application to reduce the waiting period in the case of a proposed marriage and requires applicants to apply on form 1 in Schedule 1 or (if the party gave notice of marriage in Wales) form 1W in Schedule 2. Regulation 3 sets out the procedure by which a party to a proposed civil partnership can apply to shorten the waiting period and requires applicants to make the application on form 2 in Schedule 3 or (if the party gave notice of proposed civil partnership in Wales) form 2W in Schedule 4.

Pursuant to regulation 4, the Secretary of State may request further information or evidence from the party who made the application in order to determine the application.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sector is foreseen.