

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(a) and sections 12(7) and 258(2) of the Civil Partnership Act 2004(b), and having consulted the Registrar General(c), 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(d) must be made—

- (a) by a party to the proposed marriage,
- (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

(a) 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).

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

(c) 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.

(d) 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).

- (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(a).

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(b) 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(c).

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.

Home Office
2nd February 2015

James Brokenshire
Minister of State

(a) 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.

(b) 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).

(c) 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

FORM 1

Marriage Act 1949 s. 31(5A) and (5EA)

APPLICATION TO REDUCE THE 28/70 DAY WAITING PERIOD

Names of parties	Address	Proposed date of marriage	Place of marriage

I, (name and surname) gave notice of marriage in Registration District on (date) and I apply to the Secretary of State for a reduction of the 28/70 day waiting period so that I may marry on the proposed date given above.

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:

(continue on a separate sheet if required)

I *enclose/do not enclose evidence in support of my application and I enclose the appropriate fee.

Signed Date Contact telephone number (if available).....

* delete whichever does not apply

SCHEDULE 2

Regulation 2

FORM 1W

Marriage Act 1949, s. 31(5A) and (5EA)

APPLICATION TO REDUCE THE 28/70 DAY WAITING PERIOD CAIS I LEIHU'R CYFNOD AROS O 28/70 DIWRNOD

Names of parties Enwau'r partïon	Address Cyfeiriad	Proposed date of marriage Dyddiad y bwriedir priodi	Place of marriage Man priodi

I (*name and surname*)
gave notice of marriage in Registration
District on (*date*) and I apply to the Secretary of State
for a reduction of the 28/70 day waiting period so that I may marry on the
proposed date given above

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:

Rhoddais i (*enw a chyfnw*)
hysbysiad priodas yn Nosbarth Cofrestru
ar (*dyddiad*) a gwnaf gais i'r Ysgrifennydd
Gwladol am leihad o'r cyfnod aros o 28/70 diwrnod fel y gallaf briodi ar
y dyddiad arfaethedig a roddir uchod

*Mae'r Nid yw'r person arall a enwir uchod yn gwneud cais i'r Ysgrifennydd
Gwladol am leihad yn y cyfnod aros o 28/70 diwrnod.

Angylychiadau eithriadol fy achos i yw:

(continue on a separate sheet if required/defnyddiwch ddalen ar wahân os oes angen)

I *enclose/do not enclose evidence in support of my application and I enclose the appropriate
fee. *Yr wyf/Nid wyf yn angáu tystiolaeth i ategu fy nghais ac yr ydwyf yn angáu'r ffi briodol.

Signed Date: Contact telephone number (if available)
Llofnodwyd Dyddiad Rhif ffôn i gysylltu (os ar gael)

* *delete whichever does not apply*
* *dilewch yr un amherthnasol*

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, (*name and surname*) gave notice of civil partnership to Registration Authority on (*date*) and I apply to the Secretary of State for a reduction of the 28/70 day waiting period so that I may form a civil partnership on the proposed date given above.

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)

Signed Date Contact telephone number (if available)

* delete whichever does not apply

SCHEDULE 4

Regulation 3

FORM 2W

**APPLICATION TO REDUCE THE 28/70 DAY WAITING PERIOD
CAIS I LEHAU'R CYFNOD AROS O 28/70 DIWRNOD**

Civil Partnership Act 2004, s. 12(1) and (4)

Names of Parties Enwau'r partion	Address Cyfeiriad	Proposed date of civil partnership Dyddiad y bwriedir ffurfio partneriaeth sifil	Place of formation of civil partnership Lleoliad ffurfiant y partneriaeth sifil

I, (*name and surname*)
gave notice of civil partnership to Registration Authority on
..... (*date*) and I apply to the Secretary of State for a reduction of the 28/70
day waiting period so that I may form a civil partnership on the proposed date given
above.

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:

Rhoddais i (*enw a chyfenw*)
hystyriad partneriaeth sifil i Awdurdod Cofrestru
ar (*dyddiad*) a gwnef gais i'r Ysgrifennydd Gwladol am leihad o'r cyfnod
aros o 28/70 diwrnod fel y gallaf ffurfio partneriaeth sifil ar y dyddiad arfaethedig a
roddir uchod.

*Mae'r/Nid yw'r person arall a enwir uchod yn gwneud gais i'r Ysgrifennydd
Gwladol am leihad yn y cyfnod aros o 28/70 diwrnod.

Amgylcheddau eithriadol fy achos i yw:

(continue on a separate sheet if required/defnyddiwch ddalen ar wahân os oes angen)

I *enclose/do not enclose evidence in support of my application and I enclose the appropriate fee.
*Yr wyf/Nid wyf yn amgáu tystiolaeth i ategu fy nghais ac yr wyf yn amgáu'r ffi briodol.

Signed Date Contact telephone number (if available)
Llofnodwyd Dyddiad Rhif ffôn i gysylltu (os ar gael)

**delete whichever does not apply/dilewch yr un an berthnasol*

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 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^(a) 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 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.

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(a) 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.

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