

## SCHEDULE 3

Regulation 8

### Evidence

#### Interpretation

**1.** In this Schedule—

“claim for asylum” means a claim within the meaning of section 94(1) of the Immigration and Asylum Act 1999<sup>(1)</sup>;

“Council Regulation” means the Council Regulation (EC) No. 2201/2003 of 27th November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility;

“driving licence” means a licence granted under—

(a) Part 3 of the Road Traffic Act 1988<sup>(2)</sup>, or

(b) the Road Traffic (Northern Ireland) Order 1981<sup>(3)</sup>,

and includes a provisional licence, a counterpart Community licence and a British external licence within the meaning of those enactments;

“humanitarian protection” means humanitarian protection granted in accordance with paragraph 339C of the immigration rules;

“immigration rules” means the rules for the time being laid down as mentioned in section 3(2) of the Immigration Act 1971<sup>(4)</sup>;

“indefinite leave to enter or remain” means leave to enter or remain in the United Kingdom given in accordance with the provisions of the Immigration Act 1971 or the immigration rules which is not limited as to duration;

“limited leave to enter or remain” means leave to enter or remain in the United Kingdom given in accordance with the provisions of the Immigration Act 1971 or the immigration rules which is limited as to duration;

“settled status” has the same meaning as in section 33(2A) of the Immigration Act 1971<sup>(5)</sup>;

“Stateless Convention” means the Convention relating to the Status of Stateless Persons done at New York on 28th September 1954<sup>(6)</sup>;

“stateless person” has the same meaning as in Article 1 of the Stateless Convention;

“travel document” means a document which is not a passport, allowing a person to travel outside the United Kingdom.

#### Evidence of relevant nationality

**2.** For the purposes of (as applicable) section 8(1)(b)<sup>(7)</sup>, or section 16(1C)<sup>(8)</sup> of the Act, one of the following original documents (or groups of documents) must be provided by each of the parties to the proposed marriage to the member of the clergy, or (as the case may be) the person with authority to grant a common licence, as evidence that the party (“P”) is a relevant national—

(a) P’s valid passport showing P to be a British, EEA or Swiss national;

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(1) 1999 c. 33.

(2) 1988 c. 52.

(3) S.I. 1981/154.

(4) 1971 c. 77. There are amendments to section 3, not relevant here.

(5) Section 33(2A) was inserted by section 39(6) and paragraph 7(b) of Schedule 4 to the British Nationality Act 1981 (c. 61).

(6) United Nations, Treaty Series, volume 360 at page 117.

(7) Section 8 was amended by section 57(3) of the Immigration Act 2014 (c. 22).

(8) Section 16 was amended by section 57(4) of the Immigration Act 2014.

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- (b) P's valid national identity card issued by an EEA state or Switzerland;
- (c) certificate of registration as a British citizen granted to P by the Secretary of State together with another document referred to in paragraph 4 of this Schedule (except the letter referred to in paragraph 4(g)), to establish P's current use of the name and surname referred to on the certificate of registration (or, if P has changed name, evidence of the change of name);
- (d) certificate of naturalisation as a British citizen granted to P by the Secretary of State, together with another document referred to in paragraph 4 of this Schedule (except the letter referred to in paragraph 4(g)), to establish P's current use of the name and surname referred to on the certificate of naturalisation (or, if P has changed name, evidence of the change of name);
- (e) where P was born in the United Kingdom—
  - (i) before 1st January 1983—
    - (aa) P's United Kingdom birth certificate; and
    - (bb) one of the documents referred to in paragraph 4 of this Schedule (except the letter referred to in paragraph 4(g)), to establish P's current use of the name and surname referred to on the birth certificate provided (or, if P has changed name, evidence of the change of name);
  - (ii) on or after 1st January 1983 but before 1st July 2006—
    - (aa) P's full United Kingdom birth certificate showing P's parents' (or, as the case may be, parent's), details;
    - (bb) one of the documents referred to in paragraph 4 of this Schedule (except the letter referred to in paragraph 4(g)) to establish P's current use of the name and surname referred to on the birth certificate provided (or, if P has changed name, evidence of the change of name);
    - (cc) evidence of either of P's parents' British citizenship or settled status at the time of P's birth (e.g. a passport describing the relevant parent as a British citizen or indicating that he or she then had indefinite leave to enter or remain); and
    - (dd) P's parents' marriage certificate (if British citizenship is claimed through P's father);
  - (iii) on or after 1st July 2006—
    - (aa) P's full birth certificate showing the parents' (or, as the case may be, parent's) details;
    - (bb) one of the documents referred to in paragraph 4 of this Schedule (except the letter referred to in paragraph 4(g)) to establish P's current use of the name and surname referred to on the birth certificate provided (or, if P has changed name, evidence of the change of name);
    - (cc) evidence of either of P's parents' British citizenship or settled status at the time of P's birth (e.g. a passport describing the relevant parent as a British citizen or indicating that he or she then had indefinite leave to enter or remain);
- (f) if none of the documents (or groups of documents) listed in sub-paragraphs (a) to (e) are available to confirm the party's relevant nationality, such other evidence as the Registrar General determines it is reasonable to accept in the particular circumstances of the case.

### **Evidence of name, surname, date of birth and nationality**

**3.** For the purposes of section 28B(1)(a), (b) and (d) of the Act<sup>(9)</sup>, one of the following original documents (or groups of documents) must be provided to the superintendent registrar by a person (“P”) giving a notice of marriage under section 27 of the Act, as evidence of the name, surname, date of birth and nationality of that person—

- (a) P’s valid passport;
- (b) P’s valid national identity card issued by an EEA state or Switzerland;
- (c) one of the groups of documents referred to in paragraph 2(c) to (e) of this Schedule (and for these purposes, “P” in paragraph 2(c) to (e) means a person giving a notice of marriage under section 27 of the Act);
- (d) P’s valid biometric immigration document within the meaning of section 5(1)(a) of the UK Borders Act 2007<sup>(10)</sup>;
- (e) P’s valid travel document issued in the United Kingdom at the discretion of the Secretary of State to persons who have been formally and, in the view of the Secretary of State, unreasonably, refused a passport by the authorities in their own countries and who have—
  - (i) been granted limited leave to enter or remain or humanitarian protection on rejection of a claim for asylum or for recognition as a stateless person; or
  - (ii) been granted indefinite leave to enter or remain;
- (f) valid travel document issued to P pursuant to Article 28 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951<sup>(11)</sup>;
- (g) valid travel document issued to P pursuant to Article 28 of the Stateless Convention;
- (h) if none of the documents (or groups of documents) listed in sub-paragraphs (a) to (g) are available to confirm the person’s name, surname, date of birth and nationality, such other document or combination of documents as the Registrar General determines it is reasonable to accept in the particular circumstances of the case.

### **Evidence of place of residence**

**4.—(1)** For the purposes of section 28B(1)(c) of the Act, one of the following original documents must be provided to the superintendent registrar as evidence of the place of residence of a person giving a notice of marriage under section 27(1) of the Act—

- (a) utility bill dated no more than three months before the date on which notice of marriage is given;
- (b) bank or building society statement or passbook dated no more than one month before the date on which notice of marriage is given;
- (c) council tax bill dated no more than 12 months before the date on which notice of marriage is given;
- (d) mortgage statement dated no more than 12 months before the date on which notice of marriage is given;
- (e) current residential tenancy agreement;
- (f) valid driving licence in the name of the person giving notice of marriage;
- (g) letter from the owner or proprietor (“X”) of the address which is the person’s place of residence which—

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<sup>(9)</sup> Section 28B was inserted by paragraph 7 of Schedule 4 to the Immigration Act 2014 (c. 22).

<sup>(10)</sup> 2007 c. 30.

<sup>(11)</sup> United Nations, Treaty Series, volume 189 at page 137.

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- (i) confirms that the person has resided at the address for at least seven days immediately prior to the date on which notice of marriage is given,
- (ii) states that X is the owner or proprietor,
- (iii) states X's name,
- (iv) states X's address, and
- (v) is signed and dated by X;
- (h) if none of the documents listed in sub-paragraphs (a) to (g) are available, such other evidence as the Registrar General determines it is reasonable to accept in the particular circumstances of the case.
- (2) The evidence mentioned in sub-paragraphs (a) to (e) of paragraph 4(1) must—
  - (a) be in the name of the person giving notice of marriage, or, where it is in the name of more than one person, one of them must be the person giving notice, and
  - (b) show the person's place of residence as the address to which the evidence was sent.

#### **Evidence of ending of previous marriage or civil partnership**

**5.—(1)** For the purposes of section 28B(2) of the Act, one of the following original documents must be provided to the superintendent registrar as evidence of the ending of a previous marriage or civil partnership of a person (“P”) giving a notice of marriage under section 27(1) of the Act—

- (a) P's decree absolute of divorce or decree of nullity of marriage granted by a court of civil jurisdiction in England and Wales;
- (b) P's dissolution order or nullity order obtained in England or Wales in accordance with Part 2 of the Civil Partnership Act 2004<sup>(12)</sup>;
- (c) a document, or documents, confirming P's divorce or annulment granted by a court of civil jurisdiction in any part of the British Islands and recognised in the United Kingdom in accordance with section 44 of the Family Law Act 1986<sup>(13)</sup>;
- (d) a document, or documents, confirming the dissolution or annulment of P's civil partnership granted by a court of civil jurisdiction in the United Kingdom and recognised in accordance with section 233 of the Civil Partnership Act 2004;
- (e) a document, or documents confirming P's divorce or annulment obtained in a country outside the British Islands and recognised in the United Kingdom in accordance with either—
  - (i) sections 45 to 49 of the Family Law Act 1986<sup>(14)</sup>; or
  - (ii) articles 21 to 27, 41(1) or 42(1) of the Council Regulation;
- (f) a document, or documents confirming the dissolution or annulment of P's civil partnership obtained outside the United Kingdom and recognised in accordance with either—
  - (i) sections 234 to 237 of the Civil Partnership Act 2004<sup>(15)</sup>; or
  - (ii) regulations made under section 219 of the Civil Partnership Act 2004<sup>(16)</sup>;
- (g) the death certificate of P's spouse or civil partner;

<sup>(12)</sup> 2004 c. 33.

<sup>(13)</sup> 1986 c. 55.

<sup>(14)</sup> Section 45 was amended by S.I. 2001/310 and S.I. 2005/265.

<sup>(15)</sup> Sections 235 and 236 were modified by S.I. 2005/3104. There are amendments to section 237, not relevant here.

<sup>(16)</sup> Section 219 was amended by S.I. 2010/976. For regulations made under section 219, see S.I. 2005/3334.

- (h) the presumed death certificate of P's spouse or civil partner issued under paragraph 3 of Schedule 1 to the Presumption of Death Act 2013<sup>(17)</sup>;
  - (i) if none of the documents listed in sub-paragraphs (a) to (h) are available to confirm the ending of P's previous marriage or civil partnership, such other evidence as the Registrar General determines it is reasonable to accept in the particular circumstances of the case.
- (2) Where any document listed in paragraph (1)(c) to (g) or (i) was created outside the United Kingdom and is not in English, a full translation must also be provided.

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<sup>(17)</sup> 2013 c. 13.