

SCHEDULE 2

Article 2(2)

Amendments to the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004

1. Section 21 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004(1) (procedure for marriage: Scotland) is amended as follows.

2. For subsection (1) substitute—

“(1) This section applies to a marriage which is intended to be solemnised in Scotland unless each party to the marriage falls within exception A or exception B.

(1A) A party to the marriage falls within exception A if the person is a relevant national.

(1B) A party to the marriage falls within exception B if—

(a) the person is exempt from immigration control, and

(b) the notice of intention to marry submitted under section 3 of the Marriage (Scotland) Act 1977(2) is accompanied by the specified evidence required by section 3B(1) of that Act that the person is exempt from immigration control.”

3. For subsection (5) substitute—

“(5) In this section—

(a) “relevant national” has the same meaning as in section 62 of the Immigration Act 2014,

(b) a reference to a person being exempt from immigration control is to be construed in accordance with section 49 of that Act.”

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(1) 2004 c. 19; subsection (3) was repealed by and subsections (4) and (5) amended by S.I. 2011/1158; subsection (4) was also amended by section 59(4) of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14).

(2) 1977 c. 15; section 3(1) was amended by section 2 of, and paragraph 3 of Schedule 2 to, the Marriage (Prohibited Degrees of Relationship) Act 1986 (c. 16); paragraph 43 of Schedule 28 to the Civil Partnership Act 2004 (c. 33); section 50 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14); and sections 3 and 8 of the Marriage and Civil Partnership (Scotland) Act 2014 (asp 5). Other amendments have been made to section 3 but they are not relevant to this Order.