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STATUTORY INSTRUMENTS

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**2015 No. 404**

**The Sham Marriage and Civil Partnership (Scotland and Northern Ireland) (Administrative) Regulations 2015**

**PART 3**

**Evidence**

**Photographs**

- 7.—(1) This regulation applies where a photograph must be provided by a party under—
- (a) in the case of a proposed marriage under the law of Scotland, section 3A(7) or 3B(5) of the 1977 Act,
  - (b) in the case of a proposed civil partnership under the law of Scotland, section 88A(6) or 88B(5) of the 2004 Act,
  - (c) in the case of a proposed marriage under the law of Northern Ireland, Article 3A(6) or 3B(5) of the 2003 Order,
  - (d) in the case of a proposed civil partnership under the law of Northern Ireland, section 139A(6) or 139B(5) of the 2004 Act.
- (2) The photograph must be a United Kingdom passport style and size photograph which—
- (a) clearly shows the face of the party, who must—
    - (i) have a neutral expression, and
    - (ii) not be wearing anything which covers his or her head or hair (other than for religious or medical reasons),
  - (b) shows only the party and no other person or object,
  - (c) is unmarked, unaltered and without tears or creases, and
  - (d) was taken no more than one year before the date on which the notice of marriage or civil partnership is submitted or (as the case may be) given.

**Particular immigration status**

8. Schedule 1 has effect to specify evidence of the particular immigration status of a party for the purposes of—
- (a) in the case of a proposed marriage under the law of Scotland, section 3B(1) of the 1977 Act<sup>(1)</sup>,
  - (b) in the case of a proposed civil partnership under the law of Scotland, section 88B(1) of the 2004 Act<sup>(2)</sup>,

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(1) Section 3B was inserted by paragraph 2 of Schedule 1 to the Scotland Order.

(2) Section 88B was inserted by paragraph 2 of Schedule 3 to the Scotland Order.

- (c) in the case of a proposed marriage under the law of Northern Ireland, Article 3B(1) of the 2003 Order<sup>(3)</sup>,
- (d) in the case of a proposed civil partnership under the law of Northern Ireland, section 139B(1) of the 2004 Act<sup>(4)</sup>.

### Relevant visa

9.—(1) Paragraph (2) specifies evidence of the holding of a relevant visa by a party for the purposes of—

- (a) in the case of a proposed marriage under the law of Scotland, section 3B(2) of the 1977 Act,
- (b) in the case of a proposed civil partnership under the law of Scotland, section 88B(2) of the 2004 Act,
- (c) in the case of a proposed marriage under the law of Northern Ireland, Article 3B(2) of the 2003 Order,
- (d) in the case of a proposed civil partnership under the law of Northern Ireland, section 139B(2) of the 2004 Act.

(2) The evidence specified for the purposes mentioned in paragraph (1) is the party's passport endorsed to show, or the party's biometric immigration document showing, that he or she has been given one of the following kinds of visa or other authorisation (which remains in force) in respect of the party's proposed marriage or civil partnership to the other party—

- (a) entry clearance or leave to enter as a visitor under the immigration rules for the purpose of marriage or civil partnership,
- (b) entry clearance, leave to enter or leave to remain as a fiancé(e) or proposed civil partner under Appendix FM to the immigration rules,
- (c) entry clearance, leave to enter or leave to remain as a fiancé(e) or proposed civil partner under Appendix Armed Forces to the immigration rules,
- (d) entry clearance, leave to enter or leave to remain as a fiancé(e) or proposed civil partner outside the provisions of the immigration rules.

(3) In this regulation—

“entry clearance” has the same meaning as in section 33(1) of the 1971 Act<sup>(5)</sup>,

“immigration rules” means the rules laid down under section 3(2) of the 1971 Act,

“leave to enter” or “leave to remain” means leave to enter or remain in the United Kingdom given in accordance with section 3 of the 1971 Act<sup>(6)</sup>.

### Usual address

10. Schedule 2 has effect to specify evidence of a party's usual address for the purposes of—

- (a) in the case of a proposed marriage under the law of Scotland, section 3B(3) and (5)(b) of the 1977 Act,

(3) Article 3B was inserted by paragraph 3 of Schedule 1 to the Northern Ireland Order.

(4) Section 139B was inserted by paragraph 2 of Schedule 3 to the Northern Ireland Order.

(5) The definition of “entry clearance” was amended by paragraph 2 of Schedule 4 to the British Nationality Act 1981 (c. 61) and paragraph 5 of the Schedule to the Immigration Act 1988 (c. 14).

(6) Relevant amendments made to section 3 are as follows: subsection (1) was amended by paragraphs 2 and 4 of Schedule 4 to the British Nationality Act 1981 (c. 61), paragraph 1 of Schedule 2 to, the Asylum and Immigration Act 1996 (c. 49), paragraphs 43 and 44 of Schedule 14 to the Immigration and Asylum Act 1999 (c. 33), section 16 of, and the Schedule to, the UK Borders Act 2007 (c. 30), section 50 of the Borders, Citizenship and Immigration Act 2009 (c. 11); and subsection (3) was amended by paragraph 1 of the Schedule to the Immigration Act 1988 (c. 14).

- (b) in the case of a proposed civil partnership under the law of Scotland, section 88B(3) and (5)(b) of the 2004 Act,
- (c) in the case of a proposed marriage under the law of Northern Ireland, Article 3B(3) and (5)(b) of the 2003 Order,
- (d) in the case of a proposed civil partnership under the law of Northern Ireland, section 139B(3) and (5)(b) of the 2004 Act.