

[^{F1}SCHEDULE 2

Article 3E(6)

Modifications if proposed marriage referred under Article 3E

F1 Sch. 2 inserted (1.3.2015) by [The Referral and Investigation of Proposed Marriages and Civil Partnerships \(Northern Ireland and Miscellaneous Provisions\) Order 2015 \(S.I. 2015/395\)](#), art. 1(2), **Sch. 1 para. 4** (with art. 1(3))

Introduction

1.—(1) These are the modifications subject to which this Order has effect if the registrar refers a proposed marriage to the Secretary of State.

(2) In this Schedule “referred marriage” means the proposed marriage referred to the Secretary of State.

No marriage schedule to be completed until decision about investigation etc

2.—(1) The duty under Article 7(1) to complete a marriage schedule in respect of the referred marriage does not apply unless and until one of the following events occurs.

(2) Event 1 occurs if—

- (a) the Secretary of State gives the registrar the section 48 notice, and
- (b) that notice is of a decision not to investigate whether the referred marriage is a sham.

(3) Event 2 occurs if—

- (a) the relevant statutory period ends, and
- (b) the Secretary of State has not given the registrar the section 48 notice.

(4) Event 3 occurs if—

- (a) the Secretary of State gives the registrar the section 48 notice,
- (b) that notice is of a decision to investigate whether the referred marriage is a sham,
- (c) the Secretary of State gives the registrar the section 50 notice, and
- (d) that notice is of a decision that both of the parties to the referred marriage have complied with the investigation.

(5) Event 4 occurs if—

- (a) the 70 day period ends, and
- (b) the Secretary of State has not given the registrar the section 50 notice.

(6) Event 5 occurs if the Secretary of State gives the registrar notice that the duty under Article 7 is applicable.

(7) The Secretary of State may give a notice for that purpose only if—

- (a) the Secretary of State has given the registrar the section 48 notice,
- (b) that notice is of a decision to investigate whether the referred marriage is a sham,
- (c) the Secretary of State has given the registrar the section 50 notice, and
- (d) that notice is of a decision that one or both of the parties to the referred marriage have not complied with the investigation.

(8) This paragraph applies in addition to any other requirements applicable to the completion of the marriage schedule.

(9) This paragraph is subject to paragraphs 3, 4 and 5.

(10) In this paragraph—

“70 day period” has the same meaning as in section 50(11) of the 2014 Act;

“relevant statutory period” has the same meaning as in section 62 of the 2014 Act;

“section 48 notice” means notice under section 48(8A) of the 2014 Act;

“section 50 notice” means notice under section 50(7) of the 2014 Act.

Marriage to be investigated: no marriage schedule to be completed until expiry of 70 day period

3.—(1) The modifications in this paragraph have effect if the Secretary of State gives the registrar notice under section 48(8A) of the 2014 Act of a decision to investigate whether the referred marriage is a sham.

(2) Article 7 has effect as if—

(a) in paragraph (1), after “intended marriage” there were inserted “but not before the expiry of the relevant 70 day period,”; and

(b) after paragraph (6) there were inserted—

“(7) In this Article “relevant 70 day period” means the period—

(a) beginning the day on which the record relating to the marriage is made in the marriage notice book, and

(b) ending at the end of the period of 70 days beginning with that day.”

(3) This paragraph is subject to paragraphs 4 and 5.

Requests to complete the marriage schedule before expiry of 70 day period

4.—(1) This paragraph applies if the Secretary of State gives the registrar notice under section 48(8A) of the 2014 Act of a decision to investigate whether the referred marriage is a sham.

(2) A party to the referred marriage may request the registrar to complete the marriage schedule before the expiry of the relevant 70 day period.

(3) That request shall—

(a) be in writing, and

(b) give the reasons why it is necessary for the marriage schedule to be completed before the expiry of the relevant 70 day period.

(4) A registrar may not complete the marriage schedule before the expiry of the relevant 70 day period unless authorised to do so by the Registrar General.

(5) The Registrar General may, with the consent of the Secretary of State, authorise the registrar to complete the marriage schedule on such date as the Registrar General considers necessary before the expiry of the relevant 70 day period.

(6) But the Secretary of State’s consent is not required if the request is made because a party to the referred marriage is gravely ill and not expected to recover.

(7) In this paragraph and paragraph 5 “relevant 70 day period” has the same meaning as in Article 7 (as modified by paragraph 3).

Effect of reducing statutory period

5.—(1) Where—

(a) the Registrar General has authorised—

- (i) the reduction of the notice period for service of the marriage notice under regulation 3(2) of the Marriage Regulations (Northern Ireland) 2003, or
 - (ii) the registrar to complete a marriage schedule before the expiry of the relevant 70 day period in accordance with paragraph 4; and
- (b) the authorisation under sub-paragraph (i) or, as the case may be, (ii) of paragraph (a) is given at a time when the duty under Article 7(1) to complete a marriage schedule in respect of the referred marriage has not arisen in accordance with paragraph 2 or 3,

the duty under Article 7(1) to complete the marriage schedule arises on the giving of the authorisation, subject to any other requirements applicable to the completion of the schedule (and in the case of an authorisation mentioned in paragraph (a)(i), any other requirements applicable to the giving of notice) being met.

(2) But the requirements of paragraph 2 are not applicable in such a case.

(3) The Secretary of State is not prevented from deciding to conduct, conducting or continuing, an investigation if a marriage schedule is completed as mentioned in sub-paragraph (1).

(4) But in such a case, nothing in the 2014 Act requires the Secretary of State to decide whether to conduct, or to continue, an investigation.

(5) In this paragraph “investigation” means an investigation, conducted following a decision by the Secretary of State under section 48 of the 2014 Act, whether a proposed marriage is a sham.]

Changes to legislation:

There are currently no known outstanding effects for the The Marriage (Northern Ireland) Order 2003, SCHEDULE2.