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**Changes to legislation:** Civil Partnership Act 2004, Part 1 is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## SCHEDULES

### SCHEDULE 23

#### IMMIGRATION CONTROL AND FORMATION OF CIVIL PARTNERSHIPS

##### PART 1

##### INTRODUCTION

###### *Application of Schedule*

- [<sup>F1</sup>A1 (1) Part 2 of this Schedule applies to a civil partnership that is to be formed in England and Wales by signing a civil partnership schedule unless each party to the civil partnership falls within exception A or exception B.
- (2) A party to the civil partnership falls within exception A if the person is a relevant national.
- (3) A party to the civil partnership falls within exception B if—
- (a) the person is exempt from immigration control, and
  - (b) the notice of civil partnership is accompanied by the specified evidence required by section 9A(2) that the person is exempt from immigration control.
- (4) In this [<sup>F2</sup>Schedule], a reference to a person being a relevant national, or being exempt from immigration control, has the same meaning as in section 49 of the Immigration Act 2014.]

##### Textual Amendments

- F1** Sch. 23 para. A1 inserted (1.3.2015) by [Immigration Act 2014 \(c. 22\)](#), **ss. 58(5)**, 75(3); S.I. 2015/371, [art. 2\(1\)\(j\)](#) (with [art. 6](#))
- F2** Word in Sch. 23 para. A1(4) substituted (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. 3 para. 8(a)** (with [art. 1\(3\)](#))

- [<sup>F3</sup><sup>F4</sup>(1A) Part 3 of this Schedule applies if—
- (a) two people wish to register in Scotland as civil partners of each other, and
  - (b) one of them is subject to immigration control.
- (1B) Part 4 of this Schedule applies if—
- (a) two people wish to register in Northern Ireland as civil partners of each other, and
  - (b) one of them is subject to immigration control.]

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- (2) Part 4 of this Schedule applies to a civil partnership that is to be formed in Northern Ireland by signing a civil partnership schedule unless each party to the civil partnership falls within exception A or exception B.
- (3) A party to the civil partnership falls within exception A if the person is a relevant national.
- (4) A party to the civil partnership falls within exception B if—
  - (a) the person is exempt from immigration control, and
  - (b) the notice of civil partnership is accompanied by the evidence required by regulations made under section 54(2) of, and paragraph 3 of Schedule 5 to, the Immigration Act 2014.]

**Textual Amendments**

**F3** Sch. 23 para. 1 substituted (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. 3 para. 8(b)** (with art. 1(3))

**F4** Sch. 23 para. 1(1A)(1B) substituted for Sch. 23 para. 1(1) (1.3.2015) by [Immigration Act 2014 \(c. 22\)](#), ss. **58(6)**, **75(3)**; S.I. 2015/371, art. 2(1)(j) (with art. 6)

*The qualifying condition*

2 <sup>F5</sup> .....

**Textual Amendments**

**F5** Sch. 23 para. 2 repealed (9.5.2011) by [The Asylum and Immigration \(Treatment of Claimants, etc\) Act 2004 \(Remedial\) Order 2011 \(S.I. 2011/1158\)](#), art. **5(1)(a)**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3(1)(e) and word inserted by [2024 c. 21 s. 76\(2\)\(b\)](#)
- s. 3(1A)(1B) inserted by [2024 c. 21 s. 76\(3\)](#)
- s. 3(3)(4) inserted by [2024 c. 21 s. 76\(4\)](#)
- s. 19(4)(c) and word inserted by [2024 c. 21 s. 76\(7\)\(b\)](#)
- s. 19(5A)(5B) inserted by [2024 c. 21 s. 76\(8\)](#)
- s. 19(7A) inserted by [2024 c. 21 s. 76\(9\)](#)
- s. 102(8A) inserted by [2023 asp 3 s. 56\(2\)](#)
- s. 103(10) inserted by [2023 asp 3 s. 56\(5\)](#)
- s. 108(5) inserted by [2023 asp 3 s. 56\(8\)](#)
- s. 213(1A) inserted by [2013 c. 30 Sch. 2 para. 5\(2\)](#)