
Changes to legislation: Immigration Act 2014, Cross Heading: Supply of additional information and evidence is up to date with all changes known to be in force on or before 15 April 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

SCHEDULES

SCHEDULE 4

REFERRAL OF PROPOSED MARRIAGES AND CIVIL PARTNERSHIPS IN ENGLAND AND WALES

PART 1

MARRIAGE

Supply of additional information and evidence

- 2 (1) Section 27 (notice of marriage) is amended in accordance with this paragraph.
- (2) In subsection (3), after “surname,” insert “ the date of birth, ”.
- (3) In subsection (4), for “27A” substitute “ 27ZA ”.

Commencement Information

- II** Sch. 4 para. 2 in force at 1.3.2015 by S.I. 2015/371, art. 2(1)(f)

- 3 (1) After section 27 insert—

“27ZA Entry of particulars in notice book: compliance with requirements

The superintendent registrar shall not enter the particulars relating to a marriage in the marriage notice book in accordance with section 27(4), or in an approved electronic form by virtue of section 27(4A), in a case where any of the following requirements is applicable but is not complied with—

- (a) a requirement imposed by or under any of the following provisions of this Act—
- section 27A(2) or (3);
 - section 27A(4);
 - section 27B(2);
 - section 27E(3) to (7);
 - section 27E(8);
 - section 28B(1);
 - section 28C(4) or (6);
- (b) the requirement imposed by section 19(2) of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004.”.
- (2) Omit section 27A(5).

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Commencement Information

I2 Sch. 4 para. 3 in force at 1.3.2015 by S.I. 2015/371, art. 2(1)(f)

4 After section 27D insert—

“27E Additional information if party not relevant national

- (1) This section applies to notice of marriage given to a superintendent registrar in accordance with section 27 if one, or each, of the parties to the proposed marriage is not a relevant national.
- (2) But this section does not apply if section 39A applies to the proposed marriage.
- (3) For each party to the proposed marriage who is not a relevant national, the notice must include whichever of statements A, B or C is applicable to that person.
- (4) Statement A is a statement that the person has the appropriate immigration status.
- (5) Statement B is a statement that the person holds a relevant visa in respect of the proposed marriage.
- (6) Statement C is a statement that the person neither—
 - (a) has the appropriate immigration status, nor
 - (b) holds a relevant visa in respect of the proposed marriage.
- (7) If the notice contains the statement referred to in the first column of an entry in this table, the notice must be accompanied by the information and photographs referred to in the second column of that entry (insofar as that entry is applicable to the parties to the proposed marriage)—

<i>If the notice includes this statement...</i>	<i>...the notice must be accompanied by...</i>
Statement A (in respect of one or both of the parties to the proposed marriage)	For each party in respect of whom statement A is made, details of the particular immigration status which that party has
Statement B (in respect of one or both of the parties to the proposed marriage)	<ol style="list-style-type: none"> (1) For each party, a specified photograph of that party (2) For each party in respect of whom statement B is made, details of the relevant visa which that party has
Statement C (in respect of one or both of the parties to the proposed marriage)	<ol style="list-style-type: none"> (1) For each party, a specified photograph of that party (2) For each party, the usual address of that party (3) For each party whose usual address is outside the United Kingdom, an address in the

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- United Kingdom at which that party can be contacted by post
- (4) For each party who has previously used any name or names other than the person's name stated in the notice in accordance with section 27(3), a statement of the other name or names
- (5) For each party who currently uses, or has previously used, an alias or aliases, a statement of the alias or aliases
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- (8) If the notice contains more than one of statements A, B and C, subsection (7) must be complied with in relation to each of those statements; but where the notice contains statements B and C, subsection (7) does not require the notice to be accompanied by more than one specified photograph of each party.
- (9) If the notice includes statement C for a party to the proposed marriage—
- (a) the notice may be accompanied by a statement (“statement D”) of that person's immigration position in the United Kingdom;
 - (b) if the notice is accompanied by statement D for a party to the proposed marriage, the person may provide the superintendent registrar with details of his or her immigration position in the United Kingdom; and
 - (c) if any such details are provided, the superintendent registrar must record them.
- (10) In this section—
- (a) a reference—
 - (i) to a person having the appropriate immigration status, or
 - (ii) to a person holding a relevant visa,
 has the same meaning as in section 49 of the Immigration Act 2014;
 - (b) a reference to the particular immigration status which a person has is a reference to the immigration status set out in any of paragraphs (a) to (c) of section 49(2) of that Act which the person has;
 - (c) a reference to a person's immigration position in the United Kingdom includes a reference to the person's not being entitled to be in the United Kingdom.
- (11) In this section “specified photograph” means a photograph that is in accordance with regulations made under section 28G (and for this purpose “photograph” includes other kinds of images).”

Commencement Information

I3 Sch. 4 para. 4 in force at 20.10.2014 for specified purposes by S.I. 2014/2771, art. 3(e)

I4 Sch. 4 para. 4 in force at 1.3.2015 in so far as not already in force by S.I. 2015/371, art. 2(1)(f)

- 5 In section 28 (declaration to accompany notice of marriage), in subsection (1), after paragraph (c) insert—

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“(d) that he or she believes all of the information stated in the notice, and all information and evidence supplied with the notice, is true.”.

Commencement Information

I5 Sch. 4 para. 5 in force at 1.3.2015 by S.I. 2015/371, art. 2(1)(f)

- 6 (1) Section 28A (power to require evidence) is amended in accordance with this paragraph.
- (2) For the title substitute “ **Power to require evidence of consent to marriages of same sex couples** ”.
- (3) Omit subsection (1).
- (4) In subsection (2), for the words before “may” substitute “ A requirement under subsection (1A) ”.
- (5) Omit subsection (3).

Commencement Information

I6 Sch. 4 para. 6 in force at 1.3.2015 by S.I. 2015/371, art. 2(1)(f)

7 After section 28A insert—

“28B Provision of evidence

- (1) A notice of marriage under section 27 must, in relation to each of the parties to the marriage, be accompanied by specified evidence of the following matters—
- (a) the person's name and surname;
 - (b) the person's date of birth;
 - (c) the person's place of residence;
 - (d) the person's nationality.
- (2) A person giving a notice of marriage under section 27 must provide the superintendent registrar to whom the notice is given with specified evidence—
- (a) as to whether the person has previously been married or formed a civil partnership; and
 - (b) if so, as to the ending of the marriage or civil partnership.
- (3) In this section “specified evidence” means evidence that is in accordance with regulations made under section 28G.

28C Additional evidence if party not relevant national

- (1) This section applies to notice of marriage given to a superintendent registrar in accordance with section 27 if one, or each, of the parties to the proposed marriage is not a relevant national.

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- (2) If the notice includes statement A (referred to in section 27E(4)), and accordingly is accompanied by details of the particular immigration status which a party to the proposed marriage has, the notice must be accompanied by specified evidence of that status.
- (3) If the notice includes statement B (referred to in section 27E(5)), the notice must be accompanied by specified evidence of the holding of the relevant visa by the party to the proposed marriage.
- (4) If, in accordance with section 27E(7), the notice is accompanied by the usual address of a party to the proposed marriage, the notice must also be accompanied by specified evidence that it is that party's usual address.
- (5) If the notice includes statement D (referred to in section 27E(9)), the notice may be accompanied by evidence of the person's immigration position in the United Kingdom.
- (6) If subsection (2) or (3) applies to the notice, and the notice is not accompanied by the specified evidence required by that subsection, the notice must be accompanied by—
 - (a) photographs and addresses of the kinds referred to in paragraphs 1 and 2 in the relevant entry in section 27E(7);
 - (b) as respects the usual address of each party that is provided in accordance with paragraph (a), specified evidence that the address provided is that party's usual address; and
 - (c) addresses, names and aliases of the kinds referred to in paragraphs 3 to 5 in the relevant entry in section 27E(7) (insofar as those paragraphs are applicable to the parties to the proposed marriage).
- (7) In this section—

“relevant entry in section 27E(7)” means the second column of the last entry in the table in section 27E(7);

“specified evidence” means evidence that is in accordance with regulations made under section 28G.

28D Change of usual address or UK contact address

- (1) The Secretary of State may, by regulations, make provision about the giving to the Secretary of State of—
 - (a) notice of a person's usual address, if the person's notified usual address changes;
 - (b) notice of a UK contact address, if the person's notified usual address is not in the United Kingdom;
 - (c) notice of a person's UK contact address, if the person's notified UK contact address changes;
 - (d) evidence of any address notified in accordance with regulations under paragraph (a), (b) or (c).
- (2) The provision that may be made in regulations under this section includes—
 - (a) provision imposing a requirement on a person;
 - (b) provision about the rejection of information or evidence which there are reasonable grounds to suspect to be false.

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- (3) Regulations under subsection (1)(d) may, in particular, make any provision of the kind that may be made under section 28G(3).
- (4) Regulations under this section are to be made by statutory instrument; and a statutory instrument containing such regulations is subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) In this section—
 - “notified UK contact address” means an address in the United Kingdom, at which a person can be contacted by post, that has been notified in accordance with—
 - (a) section 27E(7) or 28C(6), or
 - (b) regulations under this section;
 - “notified usual address” means the usual address of a person that has been notified in accordance with—
 - (a) section 27E(7) or 28C(6), or
 - (b) regulations under this section.

28E Rejection of false information or evidence

- (1) A superintendent registrar may reject—
 - (a) any information or photograph provided under section 27, 27E or 28C, or
 - (b) any evidence provided under section 28A, 28B or 28C,
 if (in particular) the superintendent registrar has reasonable grounds for suspecting that the information, photograph or evidence is false.
- (2) If the superintendent registrar rejects any information, photograph or evidence, the superintendent registrar may proceed under this Act as if the rejected information, photograph or evidence had not been provided.
- (3) This section does not limit the powers of superintendent registrars to reject anything provided under any other enactment.

28F Amendment of notice and evidence provisions

- (1) The Secretary of State may by order—
 - (a) amend section 27, 27E or 28C so as to vary the information that must or may be given in cases where that section applies;
 - (b) amend section 28B or 28C so as to vary the matters in respect of which evidence must or may be given in cases where that section applies;
 - (c) make such provision (including provision amending section 27ZA, 28D or 28G or any other enactment) as the Secretary of State considers appropriate in consequence of provision made under paragraph (a) or (b).
- (2) The Secretary of State must consult the Registrar General before making an order under this section.
- (3) An order under this section is to be made by statutory instrument; and no statutory instrument containing such an order may be made unless a draft

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of it has been laid before, and approved by resolution of, each House of Parliament.

28G Specified evidence

- (1) The Registrar General may make regulations about the evidence that is required to be given for the purposes of section 8, 16 or 28B.
- (2) The Secretary of State may make regulations about the evidence that is required to be given for the purposes of section 28C.
- (3) Regulations under this section may, in particular, make provision about—
 - (a) the kind of evidence which is to be supplied;
 - (b) the form in which evidence is to be supplied;
 - (c) the manner in which evidence is to be supplied;
 - (d) the period within which evidence is to be supplied;
 - (e) the supply of further evidence;
 - (f) the sufficiency of evidence supplied;
 - (g) the consequences of failing to supply sufficient evidence in accordance with the regulations (including provision to secure that, in such a case, a particular decision is made or is to be treated as having been made);
 - (h) the retention or copying of evidence supplied.
- (4) In this section “evidence” includes a photograph or other image.
- (5) The Secretary of State must consult the Registrar General before making regulations under this section.
- (6) The Registrar General must obtain the approval of the Secretary of State before making regulations under this section.
- (7) Regulations under this section are to be made by statutory instrument.
- (8) A statutory instrument containing regulations under this section made by the Secretary of State is subject to annulment in pursuance of a resolution of either House of Parliament.”.

Commencement Information

I7 Sch. 4 para. 7 in force at 20.10.2014 for specified purposes by S.I. 2014/2771, art. 3(e)

I8 Sch. 4 para. 7 in force at 1.3.2015 in so far as not already in force by S.I. 2015/371, art. 2(1)(f)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2014/2771 by [S.I. 2015/371 art. 78](#)
- specified provision(s) savings for earlier commencing SI 2014/2771 by [S.I. 2014/2928 art. 2](#) (Amendment already reflected in Appended Commentary in EXTOES for 2014 SI2771.)

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. 21(4A) inserted by [S.I. 2019/745 reg. 21\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(2)(3) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- s. 27(7) inserted by [S.I. 2019/745 reg. 21\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(2)(3) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- s. 70A(6A) inserted by [S.I. 2019/745 reg. 21\(7\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(7) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- Sch. 3 para. 8A inserted by [2016 c. 19 Sch. 12 para. 16](#)