
STATUTORY INSTRUMENTS

2015 No. 123

**MARRIAGE, ENGLAND AND WALES
CIVIL PARTNERSHIP, ENGLAND AND WALES
IMMIGRATION**

**The Referral of Proposed Marriages and
Civil Partnerships Regulations 2015**

Made - - - - 2nd February 2015
Laid before Parliament 5th February 2015
Coming into force - - 2nd March 2015

The Secretary of State, in exercise of the powers conferred by sections 28D, 28G(2) and (3) and 28H(5)(c) and (7) and (10)(b) and (c) of the Marriage Act 1949⁽¹⁾ and sections 9B, 9E(2) and (3) and 12A(5)(c) and (7) and (9)(b) and (c) of the Civil Partnership Act 2004⁽²⁾, and after consulting the Registrar General⁽³⁾, makes the following Regulations:

PART 1

Introduction

Citation and commencement

1.—(1) These Regulations may be cited as the Referral of Proposed Marriages and Civil Partnerships Regulations 2015.

(2) They come into force on 2nd March 2015.

Interpretation

2.—(1) In these Regulations—

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- (1) 1949 c. 76; sections 28D and 28G were inserted by paragraphs 1 and 7, and section 28H by paragraphs 1 and 8, of Schedule 4 to the Immigration Act 2014 (c. 22).
- (2) 2004 c. 33; sections 9B and 9E were inserted by paragraphs 18 and 21, and section 12A by paragraphs 18 and 24, of Schedule 4 to the Immigration Act 2014.
- (3) See sections 28G(5) and 28H(10)(c) of the Marriage Act 1949 and sections 9E(6) and 12A(9)(c) of the Civil Partnership Act 2004.

“1949 Act” means the Marriage Act 1949,

“1971 Act” means the Immigration Act 1971(4),

“2004 Act” means the Civil Partnership Act 2004,

“2014 Act” means the Immigration Act 2014(5),

“biometric immigration document” has the same meaning as in section 5(1)(a) of the UK Borders Act 2007(6),

“party” means a party to a proposed marriage or civil partnership and “other party” is to be construed accordingly,

“passport” includes any other document designed to serve the same purpose as a passport and which satisfactorily establishes the holder’s identity and citizenship,

“section 48 notice” has the same meaning as in section 62(1) of the 2014 Act,

“working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971(7) in England and Wales.

(2) In these Regulations—

(a) a reference to a passport (unless the contrary intention appears) is a reference to a valid passport,

(b) a reference to the particular immigration status of a party is to be construed in accordance with—

(i) in the case of a proposed marriage, section 27E(10)(b) of the 1949 Act,

(ii) in the case of a proposed civil partnership, section 8A(10)(b) of the 2004 Act,

(c) a reference to a “relevant visa” is to be construed in accordance with—

(i) in the case of a proposed marriage, section 27E(10)(a)(ii) of the 1949 Act(8),

(ii) in the case of a proposed civil partnership, section 8A(10)(a)(ii) of the 2004 Act(9).

Retention and copying of evidence

3.—(1) This regulation applies where evidence is supplied to the Secretary of State under these Regulations by a party.

(2) The Secretary of State may—

(a) retain the evidence,

(b) copy the evidence,

(c) dispose of the evidence,

in such manner as the Secretary of State thinks appropriate.

(3) In this regulation “evidence” includes—

(a) a photograph or other image,

(b) any evidence rejected by the Secretary of State under regulation 10.

(4) 1971 c. 77.

(5) 2014 c. 22.

(6) 2007 c. 30.

(7) 1971 c. 80.

(8) Section 27E of the Marriage Act 1949 was inserted by paragraphs 1 and 4 of Schedule 4 to the Immigration Act 2014.

(9) Section 8A of the Civil Partnership Act 2004 was inserted by paragraphs 18 and 20 of Schedule 4 to the Immigration Act 2014.

PART 2

Evidence

Photographs

- 4.—(1) This regulation applies where a photograph must be provided by a party under—
- (a) in the case of a proposed marriage, section 27E(7) or 28C(6)(a) of the 1949 Act⁽¹⁰⁾,
 - (b) in the case of a proposed civil partnership, section 8A(7) or 9A(6)(a) of the 2004 Act⁽¹¹⁾.
- (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 (as the case may be) proposed civil partnership is given.

Particular immigration status

5. Schedule 1 has effect to specify evidence of the particular immigration status of a party for the purposes of section 28C(2) of the 1949 Act and section 9A(2) of the 2004 Act.

Relevant visa

6.—(1) Paragraph (2) specifies evidence of the holding of a relevant visa by a party for the purposes of section 28C(3) of the 1949 Act and section 9A(3) 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⁽¹²⁾,
 - “immigration rules” means the rules laid down under section 3(2) of the 1971 Act,

⁽¹⁰⁾ Section 28C was inserted by paragraphs 1 and 7 of Schedule 4 to the Immigration Act 2014.

⁽¹¹⁾ Section 9A was inserted by paragraphs 18 and 21 of Schedule 4 to the Immigration Act 2014.

⁽¹²⁾ 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).

“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(13).

Usual address

7. Schedule 2 has effect to specify evidence of a party’s usual address for the purposes of section 28C(4) and (6)(b) of the 1949 Act and section 9A(4) and (6)(b) of the 2004 Act.

PART 3

Changes of address

Requirement to notify the Secretary of State of changes of address

8.—(1) This regulation applies where—

- (a) a party’s notified usual address changes, or
- (b) a party’s notified UK contact address changes.

(2) Subject to paragraph (3), the party must, within four working days beginning with the day on which the change occurs, give the Secretary of State notice of—

- (a) in a case where paragraph (1)(a) applies—
 - (i) his or her usual address, and
 - (ii) in a case where that address is no longer in the United Kingdom, a UK contact address, or
- (b) in a case where paragraph (1)(b) applies, his or her UK contact address.

(3) Where under paragraph (6) the Secretary of State requires a party to give notice of an address mentioned in paragraph (2) by telephone or by text message, the party must give the Secretary of State notice of that address within two working days beginning with the day on which the change occurs.

(4) But paragraphs (2) and (3) do not prevent a party giving notice of an address mentioned in paragraph (2) and when the change will occur beforehand (and if a party does, paragraphs (2) and (3) do not apply).

(5) Subject to paragraph (6), notice given under this regulation may be—

- (a) given over the telephone to the telephone number,
- (b) sent by text message to the telephone number,
- (c) sent by fax to the fax number,
- (d) sent by email to the email address,
- (e) sent by postal service in which delivery or receipt is recorded to the address,
- (f) sent by ordinary first or second class postal service to the address,
- (g) delivered by hand at the address, or
- (h) sent by courier to the address,

notified to the party in accordance with paragraph (8) (where such a number or address is so notified).

(13) 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, paragraph 1(1) of Schedule 2 to the Asylum and Immigration Act 1996 (c. 49), paragraphs 43 and 44(2) of Schedule 14 to the Immigration and Asylum Act 1999 (c. 33), sections 16 and 58 of, and the Schedule to, the UK Borders Act 2007 (c. 30), section 50(1) 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.

(6) But the Secretary of State may require a party to give notice in a particular way mentioned in paragraph (5).

(7) Where—

- (a) both parties to a proposed marriage or civil partnership are required to give notice of an address mentioned in paragraph (2) under this regulation, and
- (b) that address is (or is to be) the usual address or (as the case may be) the UK contact address of both parties,

notice under this regulation in respect of that address may be given by one party on behalf of both parties.

(8) A number or address mentioned in paragraph (5) may be notified to a party by—

- (a) the superintendent registrar or (as the case may be) the registration authority in the information given to the party in accordance with regulation 16, or
- (b) (subsequently) by the Secretary of State, in the section 48 notice given to the party or in any subsequent notification as mentioned in section 50(3)(b) of the 2014 Act.

Evidence of change of usual address

9.—(1) This regulation applies where, as a result of a change of usual address, a party gives notice of his or her usual address under regulation 8.

(2) The party must also provide evidence that the address mentioned in paragraph (1) is (or is to be) his or her usual address.

(3) The evidence mentioned in paragraph (2) must be—

- (a) of a kind specified in paragraph 2(a) to (h) of Schedule 2, and
- (b) provided in accordance with paragraph (4).

(4) The party must send or deliver the evidence to the Secretary of State at a notified address within seven working days beginning with the day on which the change mentioned in paragraph (1) of regulation 8 occurs.

(5) In a case where paragraph (7) of regulation 8 applies, one party may provide evidence on behalf of both parties (and where appropriate that may be the same evidence).

(6) Subject to paragraph (7), paragraphs 1 and 3 to 9 of Schedule 2 apply for the purpose of this regulation as they apply for the purposes mentioned in regulation 7.

(7) Schedule 2 has effect as it applies for the purpose of this regulation as if—

- (a) in paragraph (4), for “three months” there were substituted “one week”,
- (b) in paragraphs (5) and (8), for “one month” there were substituted “one week”,
- (c) in paragraphs (6) and (7), for “12 months” there were substituted “one week”,
- (d) for “the relevant notice is given” on each occasion there were substituted “the notice is given under regulation 8”.

(8) In this regulation a reference to a “notified address” is a reference to an address notified to the party in accordance with paragraph (8) of regulation 8.

Rejection of evidence of change of usual address

10.—(1) The Secretary of State may reject any evidence relating to a usual address provided in accordance with regulation 9 if the Secretary of State has reasonable grounds for suspecting that the evidence is false.

(2) If the Secretary of State rejects any evidence relating to a party's usual address, the Secretary of State may proceed as if that evidence had not been provided (and notice of usual address under regulation 8 had not been given).

PART 4

Referrals

Application of Part

11. This Part applies where—

- (a) a superintendent registrar is required to refer a proposed marriage under section 28H(5)(a) of the 1949 Act,
- (b) a registration authority is required to refer a proposed civil partnership under section 12A(5)(a) of the 2004 Act.

Timing of referral

12. As soon as practicable after (as the case may be)—

- (a) the superintendent registrar has entered the particulars of the proposed marriage in the marriage notice book under section 27(4) of the 1949 Act⁽¹⁴⁾, or
- (b) the registration authority has recorded the information required in the register under section 8(5) of the 2004 Act,

the superintendent registrar or (as the case may be) the registration authority must refer the proposed marriage or civil partnership to the Secretary of State.

Manner of referral

13. A referral may be made—

- (a) by transmitting it electronically, or
- (b) (where that is not possible) by sending it by postal service,

in such form as the superintendent registrar or (as the case may be) the registration authority agrees with the Secretary of State.

Information to be sent with referral by a superintendent registrar or registration authority

14.—(1) Where a proposed marriage or civil partnership is referred to the Secretary of State under a provision mentioned in regulation 11, the referral must include the information set out in paragraph (2) in respect of each party.

(2) The information mentioned in paragraph (1) is—

- (a) the two identification numbers assigned to the notice of marriage or proposed civil partnership given by the party,
- (b) the date of the notice of marriage as entered in the marriage notice book or (as the case may be) the date of the notice of proposed civil partnership as recorded by the registration authority in the register,

(14) Section 27(4) was amended by paragraph 5 of Schedule 1 to the Marriage Act 1983 (c. 32) and paragraphs 1 and 2(1) and (3) of Schedule 4 to the Immigration Act 2014 (c. 22).

- (c) the registration district of the superintendent registrar to whom notice of marriage was given or (as the case may be) the registration authority to which notice of proposed civil partnership was given,
- (d) the party's full name including—
 - (i) any prefix or suffix where one is provided,
 - (ii) forenames (limited to the first three if more than three), and
 - (iii) surname or surnames,
- (e) any previous forenames used by the party (limited to the most recent two, if more than two),
- (f) any previous surnames used by the party (limited to the most recent two, if more than two),
- (g) any aliases used by the party (currently or in the past, limited to the most recent three, if more than three),
- (h) the party's sex,
- (i) the party's date of birth,
- (j) the party's nationality,
- (k) the party's usual address including (where applicable)—
 - (i) name, number or other identifier of dwelling,
 - (ii) street name,
 - (iii) town or city,
 - (iv) county (or equivalent administrative district),
 - (v) post code (or equivalent if outside the United Kingdom),
 - (vi) country,
- (l) the party's email address (where provided),
- (m) the party's telephone numbers (mobile, home and work, where provided),
- (n) the party's marital or civil partnership status (including whether he or she has previously been married or registered as a civil partner),
- (o) the party's passport—
 - (i) number,
 - (ii) date of issue, and
 - (iii) place of issue,
- (p) details of the party's particular immigration status (where provided),
- (q) a description of the evidence provided of the party's particular immigration status (where provided),
- (r) details of the party's relevant visa (where provided),
- (s) a description of the evidence provided of the party's relevant visa (where provided),
- (t) details of the party's immigration position (where provided),
- (u) a description of the evidence provided of the party's immigration position (where provided),
- (v) the place of proposed marriage or civil partnership,
- (w) the date of proposed marriage or civil partnership,
- (x) the time of proposed marriage or civil partnership (where provided),

- (y) whether a report under section 24 or (as the case may be) section 24A of the Immigration and Asylum Act 1999(15) is to be made.
- (3) In this regulation a reference to a party's immigration position is to be construed in accordance with—
 - (a) in the case of a proposed marriage, section 27E(10)(c) of the 1949 Act,
 - (b) in the case of a proposed civil partnership, section 8A(10)(c) of the 2004 Act.

PART 5

Prescribed information about a referral

Interpretation

15. In this Part—

- “70 day period” has the same meaning as in section 50(11) of the 2014 Act(16),
- “investigate” means investigate whether the referred marriage or civil partnership is a sham and “investigation” is to be construed accordingly,
- “referred civil partnership” means the proposed civil partnership referred to the Secretary of State under section 12A of the 2004 Act,
- “referred marriage” means the proposed marriage referred to the Secretary of State under section 28H of the 1949 Act,
- “relevant requirement” has the same meaning as in section 50(11) of the 2014 Act,
- “specified requirement” means a requirement specified in regulations made under section 51(4) of the 2014 Act.

Purposes for which information is prescribed

16. Regulations 17 and 18 prescribe the information required to be given to the parties to a referred marriage or civil partnership by a superintendent registrar or a registration authority for the purposes of section 28H(5)(c)(i) and (ii) of the 1949 Act and section 12A(5)(c)(i) and (ii) of the 2004 Act.

Effects of the referral

- 17.** The information mentioned in regulation 16 as respects the effects of the referral is—
- (a) the fact that the Secretary of State is under a duty to decide whether to investigate,
 - (b) the conditions that must be met for the Secretary of State to decide to investigate,
 - (c) the fact that the Secretary of State is under a duty to notify the parties to the referred marriage or civil partnership of the decision made under section 48 of the 2014 Act whether to investigate, and the period within which the Secretary of State must do so,

(15) 1999 c. 33; section 24 was amended by S.I. 2008/678 and sections 55(1) and (2) and 56(1) and (2)(a) to (d) of the Immigration Act 2014; section 24A was inserted by paragraph 162 of Schedule 27 to the Civil Partnership Act 2004 and amended by S.I. 2008/678 and sections 55(1) and (3) and 56(1) and (3)(a) to (d) of the Immigration Act 2014.

(16) Subject to Parliament's approval, section 50(11) will be amended by paragraph 3 of Schedule 4 to the Referral and Investigation of Proposed Marriages and Civil Partnerships (Scotland) Order 2015, laid before Parliament on 15th December 2014, and paragraph 3 of Schedule 4 to the Referral and Investigation of Proposed Marriages and Civil Partnerships (Northern Ireland and Miscellaneous Provisions) Order 2015, laid before Parliament on the same date.

- (d) where the Secretary of State gives notice of a decision to investigate under section 48 of the 2014 Act, the fact that—
 - (i) in the case of a referred marriage, the superintendent registrar may not issue a certificate under section 31(2) of the 1949 Act⁽¹⁷⁾ before the expiry of the 70 day period,
 - (ii) in the case of a referred civil partnership, the registration authority may not issue the civil partnership schedule before the expiry of the 70 day period,
- (e) the fact that a party to a referred marriage or civil partnership which is under investigation is required to comply with a specified requirement⁽¹⁸⁾—
 - (i) the section 48 notice given to the party states that the party must do so, or
 - (ii) the Secretary of State subsequently notifies the party (orally or in writing) that the party must do so,
- (f) the fact that the Secretary of State, as part of the investigation, is under a duty to decide whether each of the parties to the referred marriage or civil partnership has complied with the investigation and to give notice to the parties of that decision within the 70 day period,
- (g) where a party to a referred marriage or civil partnership fails, or (as the case may be) both parties fail, to comply with a requirement mentioned in sub-paragraph (e) or any other relevant requirement, the fact that the Secretary of State may decide that the party has not, or (as the case may be) both parties have not, complied with the investigation,
- (h) where the Secretary of State decides that a party to a referred marriage or civil partnership has failed, or (as the case may be) both parties have failed, to comply with the investigation, the fact that the notice mentioned in sub-paragraph (f) must include a statement of the Secretary of State's reasons for reaching that decision,
- (i) the fact that, where the Secretary of State gives notice of a decision that a party to a referred marriage or civil partnership has not, or (as the case may be) both parties have not, complied with the investigation—
 - (i) the referred marriage or (as the case may be) civil partnership may not proceed after the expiry of the 70 day period, and
 - (ii) the parties must give fresh notice of their intention to marry or register their civil partnership if they wish it to do so.

Requirement to notify the Secretary of State of changes of address

18. The information mentioned in regulation 16 as respects the requirements under these Regulations to notify the Secretary of State of a usual address or UK contact address (or both) as a result of a change of address is—

- (a) the fact that a party is required under regulation 8 to give notice to the Secretary of State of—
 - (i) in a case where the party's notified usual address changes, his or her usual address, as well as a UK contact address if the party's usual address is no longer in the UK, or
 - (ii) in a case where the party's notified UK contact address changes, his or her UK contact address.

⁽¹⁷⁾ Section 31(2) was amended by sections 160(4)(b) and 163(1) of the Immigration and Asylum Act 1999 and paragraph 10(1) and (2)(b) of Schedule 4 to the Immigration Act 2014.

⁽¹⁸⁾ Subject to Parliament's approval, the Proposed Marriages and Civil Partnerships (Conduct of Investigations, etc.) Regulations 2015, laid before Parliament on 15th December 2014, will specify requirements for the purposes of section 51(4) of the Immigration Act 2014.

- (b) the period within which a party must give notice to the Secretary of State of his or her usual address or UK contact address,
- (c) the manner in which a party may or (as the case may be) must give notice of his or her usual address or UK contact address, including the details of relevant numbers or addresses to which notice may (or must) be given,
- (d) the fact that a party may give notice of a usual address or UK contact address on behalf of both parties where they share that address,
- (e) the requirement under regulation 9 to provide evidence of a usual address and when that must be done,
- (f) the kinds of evidence which may be provided under regulation 9.

(2) In this regulation “relevant numbers and addresses” means the numbers and addresses notified to the superintendent registrar or (as the case may be) the registration authority by the Secretary of State for the purposes of a party giving notice under regulation 8.

2nd February 2015

James Brokenshire
Minister of State
Home Office

SCHEDULE 1

Regulation 5

Evidence of particular immigration status

Permanent residence

1.—(1) Where a party has a right of permanent residence in the United Kingdom by virtue of an enforceable EU right or of any provision made under section 2(2) of the European Communities Act 1972(19), the notice of marriage or (as the case may be) proposed civil partnership must be accompanied by one of the following—

- (a) the party's passport containing a valid endorsement with photograph by an immigration officer or the Secretary of State confirming the party's right of permanent residence in the United Kingdom,
- (b) the party's valid permanent residence card.

(2) In this paragraph "permanent residence card" has the same meaning as in regulation 2 of the Immigration (European Economic Area) Regulations 2006(20).

Exempt from immigration control

2.—(1) Subject to paragraph (2), where a party is exempt from immigration control(21) under a provision listed in the left hand column of the table, the notice of marriage or (as the case may be) proposed civil partnership must be accompanied by one of the types of evidence listed in the corresponding right hand column—

Table

<i>Exempt from immigration control by virtue of...</i>	<i>..notice must be accompanied by...</i>
The right of abode under section 2(1)(b) of the 1971 Act(22)	The party's United Kingdom passport describing him or her as a British subject with the right of abode in the United Kingdom. The party's certificate of entitlement.
Section 8(3) of the 1971 Act(23) (members of diplomatic missions and their families)	The party's passport containing a valid exempt status vignette. The party's passport containing a valid endorsement of the party's exempt status given by the Secretary of State or an immigration officer.

(19) 1972 c. 68; section 2(2) was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51) and section 3(3) of, and Part 1 of Schedule 1 to, the European Union (Amendment) Act 2008 (c. 7).

(20) S.I. 2006/1003; regulation 3 was amended by S.I. 2009/1117, S.I. 2011/544, S.I. 2012/1547, S.I. 2012/2560, S.I. 2013/3032 and S.I. 2014/1976.

(21) Regulations made under section 49 of the Immigration Act 2014 (S.I. 2015/122) set out who is exempt from immigration control for the purposes of the referral and investigation scheme.

(22) 1971 c. 77; section 2 was substituted by section 39(2) of the British Nationality Act 1981 (c. 61) and subsection (2) was subsequently amended by section 3(3) of the Immigration Act 2014 (c. 22).

(23) Section 8(3) was amended by paragraph 2 of Schedule 4 to the British Nationality Act 1981 and section 4 of the Immigration Act 1988 (c. 14).

Status: This is the original version (as it was originally made).

<i>Exempt from immigration control by virtue of...</i>	<i>...notice must be accompanied by...</i>
	<p>A letter of accreditation from the Foreign and Commonwealth Office confirming the party's exempt status.</p> <p>The party's valid diplomatic identity card provided by the Foreign and Commonwealth Office.</p>
<p>Section 8(4) of the 1971 Act(24) (members of HM forces, members of Commonwealth forces undergoing training and members of visiting forces)</p>	<p>The party's valid HM forces identity card.</p> <p>The party's passport containing a valid exempt status vignette.</p> <p>The party's passport containing a valid endorsement of the party's exempt status given by the Secretary of State or an immigration officer.</p> <p>The party's valid identity card issued by a sending State and showing the party's date of birth, rank and number (if any), service (land, sea or air) and photograph.</p> <p>The party's current individual movement order issued by the sending State or the North Atlantic Treaty Organization certifying the party's status as a member of a force and the movement ordered.</p>
<p>The Immigration (Exemption from Control) Order 1972(25)</p>	<p>The party's passport containing a valid exempt status vignette.</p> <p>The party's passport containing a valid endorsement of the party's exempt status given by the Secretary of State or an immigration officer.</p> <p>The party's valid diplomatic identity card provided by the Foreign and Commonwealth Office.</p>
<p>Section 20 of the State Immunity Act 1978(26)</p>	<p>A letter of accreditation from the Foreign and Commonwealth Office confirming the party's exempt status.</p> <p>The party's passport containing a valid exempt status vignette.</p> <p>The party's passport containing a valid endorsement of the party's exempt status given</p>

(24) Section 8(4) was amended by paragraphs 2 and 5 of Schedule 4 to the British Nationality Act 1981 and the Statute Law Repeals Act 1995 (c. 44).

(25) S.I. 1972/1613 as amended by S.I. 1975/617, S.I. 1977/693, S.I. 1982/1649, S.I. 1985/1809, S.I. 1997/1402, S.I. 1997/2207 and S.I. 2004/3171.

(26) 1978 c. 33.

Exempt from immigration control by virtue of... ..notice must be accompanied by...

by the Secretary of State or an immigration officer.

A letter of accreditation from the Foreign and Commonwealth Office confirming the party's exempt status.

Where the party is a sovereign or other head of State, the party's passport.

(2) Instead of the evidence mentioned in paragraph (1) the notice may be accompanied by a letter from the Secretary of State confirming that the party is exempt from immigration control for the purposes of section 49 of the 2014 Act.

(3) In this paragraph—

“certificate of entitlement” has the same meaning as in section 33 of the 1971 Act⁽²⁷⁾,

“force” and “sending State”, in relation to evidence that must be provided by a party who is exempt from immigration control by virtue of section 8(4) of the 1971 Act, have the same meaning as in the Agreement between the Parties to the North Atlantic Treaty Regarding the Status of their Forces⁽²⁸⁾, done in London on 19th June 1951.

Settled

3. Where a party is settled in the United Kingdom (within the meaning of section 33(2A) of the 1971 Act⁽²⁹⁾), the notice must be accompanied by one of the following—

- (a) the party's passport (whether or not it is still valid) containing a valid endorsement with photograph to show that the party is allowed to enter or remain indefinitely in the United Kingdom,
- (b) the party's passport (whether or not it is still valid) containing a valid vignette with photograph which shows that the party is allowed to stay indefinitely in the United Kingdom,
- (c) a valid biometric immigration document which shows that the party is allowed to stay indefinitely in the United Kingdom.

SCHEDULE 2

Regulation 7

Interpretation

1. In this Schedule—

“certified copy” means a copy of an original document which—

- (a) is certified as a true copy of the original,
- (b) is signed and dated by the person who certifies it, and

⁽²⁷⁾ The definition of “certificate of entitlement” was substituted by section 10(5)(b) of the Nationality, Immigration and Asylum Act 2002 (c. 41).

⁽²⁸⁾ Cmd. 9363.

⁽²⁹⁾ Subsection (2A) of section 33 was inserted by section 39(6) of, and paragraph 7 of Schedule 4 to, the British Nationality Act 1981.

Status: This is the original version (as it was originally made).

- (c) states that person’s name, contact details and position or occupation,
“driving licence” means a licence granted under—
 - (a) Part 3 of the Road Traffic Act 1988⁽³⁰⁾, or
 - (b) the Road Traffic (Northern Ireland) Order 1981⁽³¹⁾,and includes a provisional licence, a counterpart Community licence and a British external licence within the meaning of those enactments,
“financial year” means any period of 12 months beginning with the 1st April,
“relevant notice” means the notice given in respect of the proposed marriage or civil partnership,
“residential tenancy agreement” means a tenancy which—
 - (a) grants a right of occupation of premises for residential use, and
 - (b) is not an excluded agreement.

Evidence

2. For the purposes mentioned in regulation 7, the relevant notice must be accompanied by one of the following—
 - (a) a utility bill,
 - (b) a bank or building society statement or passbook,
 - (c) where the party’s usual address is in England, Wales or Scotland, a council tax bill,
 - (d) where the party’s usual address is in Northern Ireland, a rate bill,
 - (e) a current residential tenancy agreement,
 - (f) a mortgage statement,
 - (g) the party’s valid driving licence, or
 - (h) a letter from the owner or proprietor (“P”) of the address which is the party’s usual address which—
 - (i) confirms it is the party’s usual address,
 - (ii) states that P is the owner or proprietor,
 - (iii) states P’s name,
 - (iv) states P’s address, and
 - (v) is signed and dated by P.
3. The evidence mentioned in sub-paragraphs (a) to (g) of paragraph 2 must—
 - (a) be in the name of the party, or, where it is in the name of more than one person, one of them must be the party, and
 - (b) show the party’s usual address as the address to which the evidence was sent.
4. The utility bill mentioned in paragraph 2(a) must be dated no more than three months before the date on which the relevant notice is given.
5. The bank or building society statement or passbook mentioned in paragraph 2(b) must be dated no more than one month before the date on which the relevant notice is given.

⁽³⁰⁾ 1988 c. 52.

⁽³¹⁾ S.I. 1981/154.

6. The council tax bill mentioned in paragraph 2(c) or the rate bill mentioned in paragraph 2(d) must be dated no more than 12 months before the date on which the relevant notice is given.

7. The mortgage statement mentioned in paragraph 2(f) must be dated no more than 12 months before the date on which the relevant notice is given.

8. The letter mentioned in paragraph 2(h) must be dated no more than one month before the date on which the relevant notice is given.

9.—(1) Where it is not practicable to provide an original of a document mentioned in subparagraph (e), (f) or (g) of paragraph 2, a party may provide a certified copy.

(2) A document mentioned in paragraph (1) may not be certified by a person who is—

- (a) a family member of the party or the other party,
- (b) a person who lives with the party or the other party, or
- (c) the other party.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 4 of the Immigration Act 2014 (c. 22) (“the 2014 Act”) establishes a scheme for the referral of proposed marriages and civil partnerships to the Secretary of State, who must decide whether to investigate whether the proposed marriage or civil partnership is a sham. All proposed marriages or civil partnerships where one party is, or both parties are, not exempt must be referred to the Secretary of State. Exempt persons include (amongst others) those who are exempt from immigration control and those who have a relevant visa.

These Regulations make supplementary provision for the referral of proposed marriages to the Secretary of State under the Marriage Act 1949 (c. 76) and the Civil Partnership Act 2004 (c. 33), which are amended by Part 4 of the 2014 Act.

Regulation 3 enables the Secretary of State to retain, copy and dispose of any evidence supplied in accordance with these Regulations.

Part 2 makes provision for the evidence that a party who is not a relevant national must provide when the party gives notice of intention to marry or register a civil partnership (a relevant national is a British citizen, an EEA national or a Swiss national). Regulation 4 specifies the type of photograph that must be provided. Regulation 5 and Schedule 1 specify the evidence that a person must provide to show they are an exempt person on account of their particular immigration status. Persons who have a relevant visa for the purposes of the scheme are also exempt persons and regulation 6 specifies the evidence that they must provide of their visa. Regulation 7 and Schedule 2 specify the evidence that must be provided to evidence the party’s usual address (details of which must be provided when they give notice of marriage or civil partnership).

Part 3 makes provision for when a party’s notified usual address or notified UK contact address changes. Regulation 8 requires a party whose notified usual address changes to notify the Secretary of State of his or her new usual address and, if that address is no longer in the United Kingdom, a UK contact address. It also requires a party whose notified UK contact address changes to notify the Secretary of State of his or her new UK contact address. Pursuant to regulation 9, a party is

Status: This is the original version (as it was originally made).

also required to provide evidence of his or her new usual address. A party may give notice of an address under regulation 8, and provide evidence of a new usual address under regulation 9, on behalf of the other party to the proposed marriage or civil partnership if both parties share that same address. Regulation 10 enables the Secretary of State to reject evidence concerning a party's new usual address where she has reasonable grounds for suspecting that it is false.

Part 4 makes provision for referrals of proposed marriages and civil partnerships to the Secretary of State. Regulation 12 requires the superintendent registrar or registration authority to make the referral as soon as possible after the details of the proposed marriage or civil partnership are entered in the marriage notice book or register. Under regulation 13, the referral should be made electronically but may be made by post where necessary. Regulation 14 sets out what information must be included in the referral.

Part 5 prescribes the information that the superintendent registrar or registration authority must give to the parties when a proposed marriage or civil partnership is referred to the Secretary of State. Regulation 17 prescribes certain information that must be given about the effects of the referral and regulation 18 about the requirement to notify the Secretary of State about a change of address (see Part 3 above).

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sector is foreseen. An impact assessment was prepared in respect of the proposals now forming Part 4 of the Immigration Act 2014 and is available at <https://www.gov.uk/government/publications/immigration-bill-part-4-marriage-and-civil-partnership>.