
STATUTORY INSTRUMENTS

2015 No. 396

**The Referral and Investigation of Proposed Marriages
and Civil Partnerships (Scotland) Order 2015**

Citation and commencement and transitional and saving provisions

1.—(1) This Order may be cited as the Referral and Investigation of Proposed Marriages and Civil Partnerships (Scotland) Order 2015.

(2) It comes into force on 1st March 2015.

(3) Article 2(1) and (3) and the amendments made by Schedules 1 and 3, and article 2(4) and Schedule 4 so far as those provisions relate to amendments to sections 48 and 50 of the Immigration Act 2014, apply only to proposed marriages and civil partnerships in respect of which notice is submitted under section 3(1) of the 1977 Act⁽¹⁾, or section 88 of the 2004 Act⁽²⁾, after the day on which this Order comes into force.

(4) If, when this Order comes into force, subsections (2)(b) and (4) of section 18 of the 2014 Act⁽³⁾ are not in force (for all purposes), the following provisions have effect, in relation to a proposed marriage in respect of which the notice under section 3(1) of the 1977 Act is submitted before the date on which those subsections come into force (for all purposes), as if for “28 days” there were substituted “14 days”—

(a) sub-paragraphs (2) and (3) of paragraph 3 of Schedule 1A to the 1977 Act (as inserted by paragraph 3 of Schedule 1 to this Order),

(b) paragraph (ab) in the definition of “relevant statutory period” in section 62 of the Immigration Act 2014 (as amended by paragraph 4 of Schedule 4 to this Order)⁽⁴⁾.

(5) If, when this Order comes into force, subsections (7)(b) and (8)(b)(ii) of section 24 of the 2014 Act are not in force (for all purposes), the following provisions have effect, in relation to a proposed civil partnership in respect of which the notice under section 88 of the 2004 Act is submitted before the date on which those subsections come into force (for all purposes), as if for “28 days” there were substituted “14 days”—

(a) sub-paragraph (1)(a) of paragraph 4 of Schedule 10A to the 2004 Act (as inserted by paragraph 3 of Schedule 3 to this Order),

(b) paragraph (bb) in the definition of “relevant statutory period” in section 62 of the Immigration Act 2014 (as amended by paragraph 4 of Schedule 4 to this Order).

(6) In this article—

“1977 Act” means the Marriage (Scotland) Act 1977;

(1) 1977 c. 15; section 3(1) was amended by section 2 of, and paragraph 3 of Schedule 2 to, the Marriage (Prohibited Degrees of Relationship) Act 1986 (c. 16); paragraph 43 of Schedule 28 to the Civil Partnership Act 2004 (c. 33); section 50 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14); and sections 3 and 8 of the Marriage and Civil Partnership (Scotland) Act 2014 (asp 5). Other amendments have been made to section 3 but they are not relevant to this Order.

(2) 2004 c. 33.

(3) 2014 asp 5.

(4) Section 62 and the definition of “relevant statutory period” is also amended by paragraph 4 of Schedule 4 to the Referral and Investigation of Proposed Marriages and Civil Partnerships (Northern Ireland and Miscellaneous Provisions) Order 2015 (S.I. 2015/395).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“2004 Act” means the Civil Partnership Act 2004;

“2014 Act” means the Marriage and Civil Partnership (Scotland) Act 2014.

Extension of referral and investigation scheme

2.—(1) Schedule 1 (which amends the Marriage (Scotland) Act 1977) has effect.

(2) Schedule 2 (which amends the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004)(5) has effect.

(3) Schedule 3 (which amends the Civil Partnership Act 2004) has effect.

(4) Schedule 4 (which amends the Immigration Act 2014) has effect.

(5) Schedule 5 (which makes provision about the disclosure of information) has effect.

26th February 2015

James Brokenshire
Minister of State
Home Office