
STATUTORY INSTRUMENTS

2015 No. 404

The Sham Marriage and Civil Partnership (Scotland and Northern Ireland) (Administrative) Regulations 2015

PART 1

General

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Sham Marriage and Civil Partnership (Scotland and Northern Ireland) (Administrative) Regulations 2015.

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

(3) These Regulations extend to Scotland and Northern Ireland only.

Interpretation

2.—(1) In these Regulations—

“1971 Act” means the Immigration Act 1971 ^{M1},

“1977 Act” means the Marriage (Scotland) Act 1977 ^{M2},

“2003 Order” means the Marriage (Northern Ireland) Order 2003 ^{M3},

“2004 Act” means the Civil Partnership Act 2004 ^{M4},

“2014 Act” means the Immigration Act 2014,

“2015 Regulations” means the Proposed Marriages and Civil Partnerships (Conduct of Investigations, etc) Regulations 2015 ^{M5},

“biometric immigration document” has the same meaning as in section 5(1)(a) of the UK Borders Act 2007 ^{M6},

“district registrar” in relation to a proposed marriage or civil partnership under the law of Scotland, means a district registrar to whom notice of intention to marry or of proposed civil partnership may be submitted,

“notice” in relation to a notice submitted or (as the case may be) given by a party of their intention to marry or of their proposed civil partnership, means—

- (a) in relation to a proposed marriage under the law of Scotland, notice submitted under section 3(1) of the 1977 Act ^{M7};
- (b) in relation to a proposed civil partnership under the law of Scotland, notice submitted under section 88 of the 2004 Act;
- (c) in relation to a proposed marriage under the law of Northern Ireland, notice given under Article 3(1) of the 2003 Order;

(d) in relation to a proposed civil partnership under the law of Northern Ireland, notice given under section 139 of the 2004 Act,

“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,

“registrar” in relation to a proposed marriage or civil partnership under the law of Northern Ireland, means a registrar to whom notice of intention to marry or of proposed civil partnership may be given.

(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 a party's usual address is a reference to that party's usual address notified in accordance with—

(i) in the case of a proposed marriage under the law of Scotland, section 3A(7) or 3B(5) of the 1977 Act ^{M8} or regulation 11,

(ii) in the case of a proposed civil partnership under the law of Scotland, section 88A(6) or 88B(5) of the 2004 Act ^{M9} or regulation 11,

(iii) in the case of a proposed marriage under the law of Northern Ireland, Article 3A(6) or 3B(5) of the 2003 Order ^{M10} or regulation 11,

(iv) in the case of a proposed civil partnership under the law of Northern Ireland, section 139A(6) or 139B(5) of the 2004 Act ^{M11} or regulation 11.

Marginal Citations

M1 1971 c. 77.

M2 1977 c. 15.

M3 S.I. 2003/413 (N.I. 3).

M4 2004 c. 33.

M5 S.I. 2015/397.

M6 2007 c. 30.

M7 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 these Regulations.

M8 Sections 3A and 3B are inserted by paragraph 2 of Schedule 1 to the Scotland Order.

M9 Sections 88A and 88B are inserted by paragraph 2 of Schedule 3 to the Scotland Order.

M10 Articles 3A and 3B are inserted by paragraph 3 of Schedule 1 to the Northern Ireland Order.

M11 Sections 139A and 139B are inserted by paragraph 2 of Schedule 3 to the Northern Ireland Order.

Retention and copying of evidence

3.—(1) This regulation applies where evidence is supplied to the Secretary of State by a party under these Regulations or the 2015 Regulations.

(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 13.

(4) This regulation is without prejudice to any other power the Secretary of State has in respect of such evidence (including powers to share it or disclose information contained in it).

Changes to legislation:

There are currently no known outstanding effects for the The Sham Marriage and Civil Partnership (Scotland and Northern Ireland) (Administrative) Regulations 2015, PART 1.