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STATUTORY INSTRUMENTS

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**2020 No. 1309**

The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020

**PART 2**

IMMIGRATION

*Chapter 1*

*Amendment and saving of primary legislation*

**Amendment of the Civil Partnership Act 2004**

16.—(1) The Civil Partnership Act 2004<sup>M1</sup> is amended as follows.

(2) In section 9 (evidence: England and Wales)<sup>M2</sup> after subsection (1) insert—

“(1A) If a party to the proposed civil partnership is a relevant national within the meaning of section 30A(ab) the notice of proposed civil partnership under section 8 must also be accompanied—

- (a) where the party falls within section 30A(ab)(i), by an electronic certificate which confirms that the leave referred to in that provision has been granted; or
- (b) where the party falls within section 30A(ab)(ii)—
  - (i) by a certificate of application which confirms that the application referred to in regulation 4 of the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 has been made; and
  - (ii) by evidence that the relevant period referred to in regulation 4 of those Regulations has not expired.”.

(3) In section 30A (meaning of “relevant national”)<sup>M3</sup>—

(a) after paragraph (a) insert—

“(aa) an Irish citizen, or

(ab) a person who is not an Irish citizen and who—

- (i) has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules within the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020, or
- (ii) is an applicant for the purposes of regulation 4 of the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 (applications which have not been finally determined by the deadline) where the relevant period within the meaning of that regulation has not expired.”;

- (b) omit paragraphs (b) and (c).
- (4) In section 88 (notice of proposed civil partnership: Scotland) <sup>M4</sup>, after subsection (2) insert—
- “(2A) If an intended civil partner is a relevant national as defined in section 30A(ab)(i) or (ii) the intended civil partner must also submit—
- (a) where the intended civil partner falls within section 30A(ab)(i), an electronic certificate which confirms that the leave referred to in that provision has been granted; or
- (b) where the intended civil partner falls within section 30A(ab)(ii)—
- (i) a certificate of application which confirms that the application referred to in regulation 4 of the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 has been made; and
- (ii) evidence that the relevant period referred to in regulation 4 of those Regulations has not expired.”.
- (5) In paragraph 4 of Schedule 23 (immigration control and formation of civil partnerships - procedure for giving notice of proposed civil partnership: England and Wales) <sup>M5</sup>—
- (a) in subparagraph (1)(a)—
- (i) after “authority” insert “ which is ”;
- (ii) after “State” insert “ and is the appropriate registration authority ”;
- (b) in subparagraph (2), for “specified” substitute “ appropriate ”;
- (c) after subparagraph (3) insert—
- “(3A) For the purposes of this paragraph, “the appropriate registration authority” means—
- (a) if the proposed civil partners have resided in the area of the same specified registration authority for the period of 7 days immediately before the giving of the notice (“the 7 day period”), that specified registration authority, or
- (b) if one or both of the proposed civil partners have resided in the area of a specified registration authority (but not the same specified registration authority) for the 7 day period, the specified registration authority of the area in which one of them has resided for that period, or
- (c) if neither of the proposed civil partners has resided in the area of a specified registration authority for the 7 day period, any specified registration authority.
- (3B) In sub-paragraph (3A), “specified registration authority” means a registration authority specified for the purposes of sub-paragraph (1)(a) by regulations made under that provision.”.

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### Commencement Information

**II** Reg. 16 in force at 1.7.2021, see [reg. 1\(2\)\(c\)](#)

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### Marginal Citations

**M1** 2004 c. 33.

**M2** Section 9 was substituted by paragraphs 18 and 21 of, Schedule 4 to, the Immigration Act 2014.

**M3** Section 30A was inserted by paragraphs 18 and 27 of, Schedule 4 to, the Immigration Act 2014 and amended by S.I. 2019/745.

**M4** Section 88(2) was amended by section 52 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (2006 asp 14).

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**Changes to legislation:** There are currently no known outstanding effects for the The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020, Section 16. (See end of Document for details)

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**M5** Paragraph 4 of Schedule 23 was amended by S.I. 2005/2000 and 2011/1158.

**Changes to legislation:**

There are currently no known outstanding effects for the The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020, Section 16.