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## SCHEDULES

### SCHEDULE 6

Section 59

#### INFORMATION

##### PART 1

###### DISCLOSURE OF INFORMATION ETC WHERE PROPOSED MARRIAGE OR CIVIL PARTNERSHIP REFERRED TO SECRETARY OF STATE

- 1 (1) This paragraph applies if—
- (a) a superintendent registrar refers a proposed marriage to the Secretary of State under section 28H of the Marriage Act 1949, or
  - (b) a registration authority refers a proposed civil partnership to the Secretary of State under section 12A of the Civil Partnership Act 2004.
- (2) The Secretary of State may—
- (a) disclose relevant information to a registration official, or
  - (b) supply a document containing relevant information to a registration official.
- (3) In this paragraph “relevant information” means any of the following information—
- (a) the fact that the proposed marriage or civil partnership has been referred to the Secretary of State;
  - (b) the names of the parties to the proposed marriage or civil partnership;
  - (c) in the case of a proposed marriage—
    - (i) any information included with the referral in accordance with regulations under section 28H of the Marriage Act 1949;
    - (ii) any address of a party to the proposed marriage notified to the Secretary of State in accordance with such regulations or regulations under section 28D of the Marriage Act 1949;
  - (d) in the case of a proposed civil partnership—
    - (i) any information included with the referral in accordance with regulations under section 12A of the Civil Partnership Act 2004;
    - (ii) any address of a party to the proposed civil partnership notified to the Secretary of State in accordance with such regulations or regulations under section 9B of the Civil Partnership Act 2004;
  - (e) details of any immigration enforcement action taken by the Secretary of State in respect of a party to the proposed marriage or civil partnership (including any action taken after solemnization of the marriage or formation of the civil partnership);
  - (f) details of any immigration decision taken wholly or partly by reference to the marriage or civil partnership (whether while it was proposed or after it was solemnized or formed).

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## PART 2

### DISCLOSURE OF INFORMATION ETC FOR IMMIGRATION PURPOSES ETC

#### *Disclosures by registration officials*

- 2 (1) A registration official may—
- (a) disclose any information held by the registration official, or
  - (b) supply any document held by the registration official,
- to the Secretary of State, or to another registration official, for use for either of the following purposes.
- (2) Those purposes are—
- (a) immigration purposes;
  - (b) purposes connected with the exercise of functions relating to—
    - (i) the referral of proposed marriages to the Secretary of State under section 28H of the Marriage Act 1949, or
    - (ii) the referral of proposed civil partnerships to the Secretary of State under section 12A of the Civil Partnership Act 2004.
- (3) In this paragraph “immigration purposes” means—
- (a) the administration of immigration control under the Immigration Acts;
  - (b) the prevention, detection, investigation or prosecution of criminal offences relating to immigration;
  - (c) the imposition of penalties or charges under Part 3 of the Immigration and Asylum Act 1999;
  - (d) the provision of support for asylum-seekers and their dependants under Part 6 of that Act;
  - (e) such other purposes as may be specified by the Secretary of State by order.
- 3 A registration official may disclose to another registration official—
- (a) the fact that a suspicion about a marriage or civil partnership has been reported to the Secretary of State under section 24 or 24A of the Immigration and Asylum Act 1999, and
  - (b) the content of any such report,
- (whether or not the suspicion was reported by the registration official making the disclosure).

#### *Disclosures by the Secretary of State*

- 4 (1) The Secretary of State may—
- (a) disclose any information held by the Secretary of State, or
  - (b) supply any document held by the Secretary of State,
- to a registration official for use for verification purposes.
- (2) In this paragraph “verification purposes” means—
- (a) assisting in the verification of information provided to a relevant official by a person giving—
    - (i) notice of marriage under section 27 of the Marriage Act 1949, or
    - (ii) notice under section 8 of the Civil Partnership Act 2004;

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- (b) assisting in the verification of the immigration status of a person who contacts a relevant official in connection with the exercise of a function by a registration official;
  - (c) assisting in the verification of whether a person who contacts a relevant official in connection with the exercise of a function by a registration official—
    - (i) is suspected of involvement in crime relating to immigration, or
    - (ii) has been convicted of an offence relating to immigration.
- (3) In this paragraph “relevant official” means—
- (a) a registration official, or
  - (b) any other person employed to assist the exercise of functions by registration officials.

### PART 3

#### DISCLOSURE OF INFORMATION ETC FOR PREVENTION OF CRIME ETC

- 5 (1) A registration official may—
- (a) disclose any information held by the registration official, or
  - (b) supply any document held by the registration official,
- to an eligible person, or to another registration official in England and Wales, for use for crime-fighting purposes.
- (2) Information is disclosed, or a document is supplied, for use for crime-fighting purposes if condition A and condition B are met.
- (3) Condition A is met if the registration official disclosing the information or supplying the document has reasonable grounds for suspecting that a criminal offence has been, is being, or is going to be committed.
- (4) Condition B is met if the registration official discloses the information or supplies the document for use for one or both of these purposes—
- (a) assisting in the verification of information supplied to that or any other registration official;
  - (b) assisting in the prevention, detection, investigation or prosecution of a criminal offence.
- (5) In this section “eligible person” means—
- (a) the Secretary of State;
  - (b) the Commissioners for Her Majesty's Revenue and Customs;
  - (c) a member of a police force operating in England and Wales or any part of it;
  - (d) a county council, a district council or a county borough council;
  - (e) the Greater London Authority, a London borough council or the Common Council of the City of London.

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## PART 4

### GENERAL PROVISIONS

#### *Limitations on powers*

- 6 <sup>[F1(1)]</sup> This Schedule does not authorise—
- (a) a disclosure, in contravention of any provisions of <sup>[F2]</sup>the data protection legislation], of personal data which <sup>[F3]</sup>is] not exempt from those provisions, or
  - (b) a disclosure which is prohibited by <sup>[F4]</sup>any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016 ].

<sup>[F5(2)]</sup> In this paragraph, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).]

#### Textual Amendments

- F1** Sch. 6 para. 6(1): Sch. 6 para. 6 renumbered as Sch. 6 para. 6(1) (25.5.2018) by [Data Protection Act 2018 \(c. 12\), s. 212\(1\), Sch. 19 para. 186\(2\)](#) (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F2** Words in Sch. 6 para. 6(1)(a) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\), s. 212\(1\), Sch. 19 para. 186\(3\)\(a\)](#) (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F3** Word in Sch. 6 para. 6(1)(a) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\), s. 212\(1\), Sch. 19 para. 186\(3\)\(b\)](#) (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F4** Words in Sch. 6 para. 6(1) substituted (27.6.2018) by [Investigatory Powers Act 2016 \(c. 25\), s. 272\(1\), Sch. 10 para. 33](#) (with [Sch. 9 paras. 7, 8, 10](#)); S.I. 2018/652, reg. 12(g)(iii)
- F5** Sch. 6 para. 6(2) inserted (25.5.2018) by [Data Protection Act 2018 \(c. 12\), s. 212\(1\), Sch. 19 para. 186\(4\)](#) (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

#### *No breach of confidentiality etc*

- 7 A disclosure of information which is authorised by this Schedule does not breach—
- (a) an obligation of confidence owed by the person making the disclosure, or
  - (b) any other restriction on the disclosure of information (however imposed).

#### *Retention, copying and disposal of documents*

- 8 A person to whom a document is supplied under any provision of this Schedule may—
- (a) retain the document;
  - (b) copy the document;
  - (c) dispose of the document in such manner as the person thinks appropriate.

#### *Saving for existing powers*

- 9 This Schedule does not limit any other power under which—
- (a) information may be disclosed, or
  - (b) documents may be supplied.

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*Meaning of “registration official”*

- 10 A “registration official” is any of the following—
- (a) the Registrar General;
  - (b) a superintendent registrar;
  - (c) a registrar;
  - (d) a registration authority or a person exercising the functions of a registration authority;
  - (e) a civil partnership registrar (within the meaning of Chapter 1 of Part 2 of the Civil Partnership Act 2004 — see section 29 of that Act).

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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:**

- Act excluded by [2024 c. 8 s. 2\(5\)\(a\)5](#)

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](#)