

## SCHEDULES

### SCHEDULE 4

#### REFERRAL OF PROPOSED MARRIAGES AND CIVIL PARTNERSHIPS IN ENGLAND AND WALES

##### PART 1

##### MARRIAGE

###### *Marriage referred to Secretary of State: issue of certificates*

11 (1) In section 31 (marriage under certificate without licence), at the end insert—

“(7) This section has effect subject to section 31ZA.”.

(2) After section 31 insert—

###### **“31ZA Notice of marriage: false information or evidence**

(1) A superintendent registrar may refuse to issue a certificate under section 31(2) in a case where—

- (a) notice of marriage has been given under section 27, and
- (b) a superintendent registrar has reasonable grounds for suspecting that a relevant decision was made incorrectly because of the provision of false information or evidence.

(2) If the superintendent registrar refuses to issue the certificate, the parties to the proposed marriage are to be taken not to have given notice under section 27; but that does not prevent criminal proceedings from being brought against either party, or any other person, in relation to the giving of the notice.

(3) This section does not limit the powers of superintendent registrars to refuse to issue certificates under section 31 in respect of marriages.

(4) In this section—

“evidence” includes a photograph or other image;

“exempt person” has the same meaning as in section 28H;

“relevant decision” means a decision of a superintendent registrar that a party to a proposed marriage is an exempt person.”.

(3) In section 31A (appeal on refusal under section 31(2)(a))—

- (a) in the title, at the end insert “**or 31ZA**”;
- (b) in subsection (1), after “31(2)(a)” insert “or 31ZA”;
- (c) after subsection (2) insert—

“(2A) In a case where—

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*Status: This is the original version (as it was originally enacted).*

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- (a) in reliance on section 31ZA, a superintendent registrar refuses to issue a certificate, and
  - (b) on an appeal against the refusal, the Registrar General directs that a certificate be issued,section 31ZA(2) is of no effect — and is to be taken to have never had any effect — in relation to the parties’ giving of notice under section 27.”;
- (d) after subsection (3) insert—
  - “(3A) If—
    - (a) relying on section 31ZA, a superintendent registrar refuses to issue a certificate, and
    - (b) on an appeal against the refusal, the Registrar General declares the appeal to have been frivolous,the person making the appeal is liable for the costs of the proceedings before the Registrar General.”;
- (e) in subsection (4)—
  - (i) for “such costs and damages” substitute “costs and damages in accordance with subsection (3) or (3A)”;
  - (ii) at the end insert “(in the case of subsection (3)) or evidence that the Registrar General has declared the appeal to have been frivolous (in the case of subsection (3A))”.