

## SCHEDULES

### SCHEDULE 4

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

#### PART 2

#### CIVIL PARTNERSHIP

#### *Referral to Secretary of State*

25 After Schedule 3 insert—

“SCHEDULE  
3A

#### MODIFICATIONS IF PROPOSED CIVIL PARTNERSHIP REFERRED UNDER SECTION 12A

##### **1 Introduction**

- (1) These are the modifications subject to which this Act has effect if the registration authority refers a proposed civil partnership to the Secretary of State.
- (2) In this Schedule—
  - “2014 Act” means the Immigration Act 2014;
  - “referred civil partnership” means the proposed civil partnership referred to the Secretary of State.

##### **2 No civil partnership schedule to be issued until decision about investigation etc**

- (1) The duty under section 14(1) to issue a civil partnership schedule in respect of the referred civil partnership does not apply unless and until one of the following events occurs.
- (2) Event 1 occurs if—
  - (a) the Secretary of State gives the registration authority or authorities the section 48 notice, and
  - (b) that notice is of a decision not to investigate whether the referred civil partnership is a sham.
- (3) Event 2 occurs if—
  - (a) the relevant statutory period ends, and
  - (b) the Secretary of State has not given the registration authority or authorities the section 48 notice.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Event 3 occurs if—
- (a) the Secretary of State gives the registration authority or authorities the section 48 notice,
  - (b) that notice is of a decision to investigate whether the referred civil partnership is a sham,
  - (c) the Secretary of State gives the registration authority or authorities the section 50 notice, and
  - (d) that notice is of a decision that both of the parties to the referred civil partnership have complied with the investigation.
- (5) Event 4 occurs if—
- (a) the 70 day period ends, and
  - (b) the Secretary of State has not given the registration authority or authorities the section 50 notice.
- (6) Event 5 occurs if the Secretary of State gives the registration authority or authorities notice that the duty under section 14(1) is applicable.
- (7) The Secretary of State may give a notice for that purpose only if—
- (a) the Secretary of State has given the registration authority or authorities the section 48 notice,
  - (b) that notice is of a decision to investigate whether the referred civil partnership is a sham,
  - (c) the Secretary of State has given the registration authority or authorities the section 50 notice, and
  - (d) that notice is of a decision that one or both of the parties to the referred civil partnership have not complied with the investigation.
- (8) This paragraph applies in addition to any other requirements applicable to the issue of the civil partnership schedule.
- (9) This paragraph is subject to paragraph 4.
- (10) In this paragraph—
- “70 day period” has the same meaning as in section 50 of the 2014 Act;
  - “relevant statutory period” has the same meaning as in section 48 of the 2014 Act;
  - “section 48 notice” means notice under section 48(8) of the 2014 Act;
  - “section 50 notice” means notice under section 50(7) of the 2014 Act.

### **3 Civil partnership to be investigated: extension of waiting period to 70 days**

- (1) The modifications in this paragraph have effect if the Secretary of State gives the registration authority notice under section 48(8) of the 2014 Act of a decision to investigate whether the referred civil partnership is a sham.
- (2) Section 11(b): the reference to the period of 28 days has effect as a reference to the relevant 70 day period.

- (3) But, for the purposes of section 10, the waiting period is not extended by sub-paragraph (2).
- (4) In this paragraph “relevant 70 day period” means the period—
  - (a) beginning the day after notice of the proposed civil partnership is recorded in the register in accordance with section 8(5), and
  - (b) ending at the end of the period of 70 days beginning with that day.

#### **4 Effect of shortening waiting period**

- (1) This paragraph applies if—
  - (a) the Secretary of State gives notice under section 12(5) of the grant of an application made under section 12(1) (power to shorten the waiting period) in relation to the referred civil partnership, and
  - (b) that notice is given at a time when the duty under section 14(1) to issue a civil partnership schedule in respect of the referred civil partnership has not arisen in accordance with paragraph 2.
- (2) The duty under section 14(1) to issue a civil partnership schedule in respect of the referred civil partnership arises on the giving of the notice under section 12(5), subject to any other requirements applicable to the issue of the schedule being met.
- (3) But the requirements of paragraph 2 are not applicable in such a case.
- (4) The Secretary of State is not prevented from deciding to conduct, conducting, or continuing, an investigation if a schedule in respect of the referred civil partnership is issued as mentioned in sub-paragraph (2).
- (5) But in such a case, nothing in the 2014 Act requires the Secretary of State to decide whether to conduct, or to continue, an investigation.
- (6) In this paragraph “investigation” means an investigation, conducted following a decision by the Secretary of State under section 48 of the 2014 Act, whether a proposed civil partnership is a sham.”.