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## SCHEDULES

### SCHEDULE 4

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

#### PART 2

#### CIVIL PARTNERSHIP

##### *Introduction*

- 18 The Civil Partnership Act 2004 is amended in accordance with this Part of this Schedule.

##### **Commencement Information**

- II** Sch. 4 para. 18 in force at 20.10.2014 for specified purposes by S.I. 2014/2771, art. 3(e)

##### *Supply of additional information and evidence*

VALID FROM 01/03/2015

- 19 (1) Section 8 (notice of proposed civil partnership and declaration) is amended in accordance with this paragraph.
- (2) In subsection (4), after paragraph (b) insert—
- “(c) that the proposed civil partner believes all of the information stated in the notice, and all information and evidence supplied with the notice, is true.”.
- (3) After subsection (5) insert—
- “(5A) Subsection (5) is subject to section 9F.”.

- 20 After section 8 insert—

##### **“8A Additional information if party not relevant national**

- (1) This section applies to notice of proposed civil partnership given to a registration authority in accordance with section 8 if one, or each, of the parties to the proposed civil partnership is not a relevant national.
- (2) But this section does not apply if Schedule 3 applies to the proposed civil partnership.

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- (3) For each party to the proposed civil partnership who is not a relevant national, the notice must include whichever of statements A, B or C is applicable to that person.
- (4) Statement A is a statement that the person has the appropriate immigration status.
- (5) Statement B is a statement that the person holds a relevant visa in respect of the proposed civil partnership.
- (6) Statement C is a statement that the person neither—
  - (a) has the appropriate immigration status, nor
  - (b) holds a relevant visa in respect of the proposed civil partnership.
- (7) If the notice contains the statement referred to in the first column of an entry in this table, the notice must be accompanied by the information and photographs referred to in the second column of that entry (insofar as that entry is applicable to the parties to the proposed civil partnership)—

<b><i>If the notice includes this statement...</i></b>	<b><i>...the notice must be accompanied by...</i></b>
Statement A (in respect of one or both of the parties to the proposed civil partnership)	For each party in respect of whom statement A is made, details of the particular immigration status which that party has
Statement B (in respect of one or both of the parties to the proposed civil partnership)	<ol style="list-style-type: none"> <li>(1) For each party, a specified photograph of that party</li> <li>(2) For each party in respect of whom statement B is made, details of the relevant visa which that party has</li> </ol>
Statement C (in respect of one or both of the parties to the proposed civil partnership)	<ol style="list-style-type: none"> <li>(1) For each party, a specified photograph of that party</li> <li>(2) For each party, the usual address of that party</li> <li>(3) For each party whose usual address is outside the United Kingdom, an address in the United Kingdom at which that party can be contacted by post</li> <li>(4) For each party who has previously used any name or names other than the person's name stated in the notice of proposed civil partnership in accordance with regulations under section 8(2), a statement of the other name or names</li> <li>(5) For each party who currently uses, or has previously used, an</li> </ol>

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alias or aliases, a statement of the  
alias or aliases

- (8) If the notice contains more than one of statements A, B and C, subsection (7) must be complied with in relation to each of those statements; but where the notice contains statements B and C, subsection (7) does not require the notice to be accompanied by more than one specified photograph of each party.
- (9) If the notice includes statement C for a party to the proposed civil partnership—
- (a) the notice may be accompanied by a statement (“statement D”) of that person's immigration position in the United Kingdom;
  - (b) if the notice is accompanied by statement D for a party to the proposed civil partnership, the person may provide the registration authority with details of his or her immigration position in the United Kingdom; and
  - (c) if any such details are provided, the registration authority must record them.
- (10) In this section—
- (a) a reference—
    - (i) to a person having the appropriate immigration status, or
    - (ii) to a person holding a relevant visa,
 has the same meaning as in section 49 of the Immigration Act 2014;
  - (b) a reference to the particular immigration status which a person has is a reference to the immigration status set out in any of paragraphs (a) to (c) of section 49(2) of that Act which the person has;
  - (c) a reference to a person's immigration position in the United Kingdom includes a reference to the person's not being entitled to be in the United Kingdom.
- (11) In this section “specified photograph” means a photograph that is in accordance with regulations made under section 9E (and for this purpose “photograph” includes other kinds of images).”.

#### Commencement Information

**I2** Sch. 4 para. 20 in force at 20.10.2014 for specified purposes by S.I. 2014/2771, art. 3(e)

21 For section 9 substitute—

#### “9 Evidence

- (1) A notice of proposed civil partnership under section 8 must, in relation to each of the parties to the civil partnership, be accompanied by specified evidence of the following matters—
- (a) the person's name and surname;
  - (b) the person's date of birth;
  - (c) the person's place of residence;
  - (d) the person's nationality.

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- (2) A person giving a notice of proposed civil partnership under section 8 must provide the registration authority to which the notice is given with specified evidence—
  - (a) as to whether the person has previously formed a civil partnership or been married; and
  - (b) if so, as to the ending of the civil partnership or marriage.
- (3) In this section “specified evidence” means evidence that is in accordance with regulations made under section 9E.

### **9A Additional evidence if party not relevant national**

- (1) This section applies to notice of proposed civil partnership given to a registration authority in accordance with section 8 if one, or each, of the parties to the proposed civil partnership is not a relevant national.
- (2) If the notice includes statement A (referred to in section 8A(4)), and accordingly is accompanied by details of the particular immigration status which a party to the proposed civil partnership has, the notice must be accompanied by specified evidence of that status.
- (3) If the notice includes statement B (referred to in section 8A(5)), the notice must be accompanied by specified evidence of the holding of the relevant visa by the party to the proposed civil partnership.
- (4) If, in accordance with section 8A(7), the notice is accompanied by the usual address of a party to the proposed civil partnership, the notice must also be accompanied by specified evidence that it is that party's usual address.
- (5) If the notice includes statement D (referred to in section 8A(9)), the notice may be accompanied by evidence of the person's immigration position in the United Kingdom.
- (6) If subsection (2) or (3) applies to the notice, and the notice is not accompanied by the specified evidence required by that subsection, the notice must be accompanied by—
  - (a) photographs and addresses of the kinds referred to in paragraphs 1 and 2 in the relevant entry in section 8A(7);
  - (b) as respects the usual address of each party that is provided in accordance with paragraph (a), specified evidence that the address provided is that party's usual address; and
  - (c) addresses, names and aliases of the kinds referred to in paragraphs 3 to 5 in the relevant entry in section 8A(7) (insofar as those paragraphs are applicable to the parties to the proposed civil partnership).
- (7) In this section—
 

“relevant entry in section 8A(7)” means the second column of the last entry in the table in section 8A(7);

“specified evidence” means evidence that is in accordance with regulations made under section 9E.

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## **9B Change of usual address or UK contact address**

- (1) The Secretary of State may, by regulations, make provision about the giving to the Secretary of State of—
  - (a) notice of a person's usual address, if the person's notified usual address changes;
  - (b) notice of a UK contact address, if the person's notified usual address is not in the United Kingdom;
  - (c) notice of a person's UK contact address, if the person's notified UK contact address changes;
  - (d) evidence of any address notified in accordance with regulations under paragraph (a), (b) or (c).
- (2) The provision that may be made in regulations under this section includes—
  - (a) provision imposing a requirement on a person;
  - (b) provision about the rejection of information or evidence which there are reasonable grounds to suspect to be false.
- (3) Regulations under subsection (1)(d) may, in particular, make any provision of the kind that may be made under section 9E(3).
- (4) In this section—

“notified UK contact address” means an address in the United Kingdom, at which a person can be contacted by post, that has been notified in accordance with—

  - (a) section 8A(7) or 9A(6), or
  - (b) regulations under this section;

“notified usual address” means the usual address of a person that has been notified in accordance with—

  - (a) section 8A(7) or 9A(6), or
  - (b) regulations under this section.

## **9C Rejection of false information or evidence**

- (1) A registration authority may reject—
  - (a) any information or photograph provided under section 8, 8A or 9A, or
  - (b) any evidence provided under section 9 or 9A,if (in particular) the registration authority has reasonable grounds for suspecting that the information, photograph or evidence is false.
- (2) If the registration authority rejects any information, photograph or evidence, the registration authority may proceed under this Act as if the rejected information, photograph or evidence had not been provided.
- (3) This section does not limit the powers of registration authorities to reject anything provided under any other enactment.

## **9D Amendment of notice and evidence provisions**

- (1) The Secretary of State may by order—

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- (a) amend section 8A or 9A so as to vary the information that must or may be given in cases where that section applies;
  - (b) amend section 9 or 9A so as to vary the matters in respect of which specified evidence must or may be given in cases where that section applies;
  - (c) make such provision (including provision amending section 9B or 9E or any other enactment) as the Secretary of State considers appropriate in consequence of provision made under paragraph (a) or (b).
- (2) The Secretary of State must consult the Registrar General before making an order under this section.

### **9E Specified evidence**

- (1) The Registrar General may make regulations about the evidence that is required to be given for the purposes of section 9.
- (2) The Secretary of State may make regulations about the evidence that is required to be given for the purposes of section 9A.
- (3) Regulations under this section may, in particular, make provision about—
  - (a) the kind of evidence which is to be supplied;
  - (b) the form in which evidence is to be supplied;
  - (c) the manner in which evidence is to be supplied;
  - (d) the period within which evidence is to be supplied;
  - (e) the supply of further evidence;
  - (f) the sufficiency of evidence supplied;
  - (g) the consequences of failing to supply sufficient evidence in accordance with the regulations (including provision to secure that, in such a case, a particular decision is made or is to be treated as having been made);
  - (h) the retention or copying of evidence supplied.
- (4) In this section “evidence” includes a photograph or other image.
- (5) The Registrar General must obtain the approval of the Secretary of State before making regulations under this section.
- (6) The Secretary of State must consult the Registrar General before making regulations under this section.

### **9F Recording of information in the register: compliance with requirements**

The registration authority must not enter in the register the information relating to a proposed civil partnership mentioned in section 8(5) in a case where any of the requirements imposed by or under any of the following provisions of this Act is applicable but is not complied with—

- section 8A(3) to (7);
- section 8A(8);
- section 9(1);
- section 9A(4) or (6);

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section 18(3);  
 section 19(3);  
 paragraph 5(1) of Schedule 1;  
 paragraph 4 of Schedule 23.”

#### Commencement Information

**I3** Sch. 4 para. 21 in force at 20.10.2014 for specified purposes by S.I. 2014/2771, art. 3(e)

#### Notice period

VALID FROM 01/03/2015

22 In section 11 (meaning of “the waiting period”), for “15” substitute “ 28 ”.

23 (1) Section 12 (power to shorten the waiting period) is amended in accordance with this paragraph.

(2) In subsection (1), for “15” substitute “ 28 ”.

(3) After subsection (3) insert—

“(4) If a proposed civil partnership is referred to the Secretary of State under section 12A—

- (a) any application under subsection (1) is to be made to the Secretary of State; and
- (b) the power conferred by subsection (1) is exercisable by the Secretary of State.

(5) If the Secretary of State grants an application made under subsection (1), the Secretary of State must give notice of the grant of the application to—

- (a) the applicant,
- (b) the registration authority to which notice of the proposed civil partnership was given, and
- (c) if different, the registration authority responsible for issuing the civil partnership schedule under section 14(1) in relation to the proposed civil partnership.

(6) Regulations under subsection (2) do not apply to applications made to the Secretary of State in accordance with subsection (4).

(7) The Secretary of State may by regulations make provision with respect to the making, and granting, of applications made in accordance with subsection (4).

(8) The Secretary of State must consult the Registrar General before making regulations under subsection (7).”

#### Commencement Information

**I4** Sch. 4 para. 23 in force at 20.10.2014 for specified purposes by S.I. 2014/2771, art. 3(e)

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### *Referral to Secretary of State*

24 After section 12 insert—

#### **“12A Referral of proposed civil partnership to Secretary of State**

- (1) On every occasion when notice of proposed civil partnership is given under section 8, the registration authority must decide whether or not each of the parties to the proposed civil partnership is an exempt person.
- (2) But this section does not apply if Schedule 3 applies to the proposed civil partnership.
- (3) In making a decision under subsection (1) about a party to a proposed civil partnership, a registration authority may rely on any advice given in relation to that decision by the Secretary of State.
- (4) In a case where—
  - (a) section 8A applies to the notice of proposed civil partnership, and
  - (b) specified evidence required by section 9A(2) or (3) in relation to a party to the proposed civil partnership is not produced in accordance with that section,
 the registration authority must decide that that party to the proposed civil partnership is not an exempt person.
- (5) If the registration authority decides that either of the parties is not an exempt person, or that both of the parties are not exempt persons, the registration authority must—
  - (a) refer the proposed civil partnership to the Secretary of State;
  - (b) notify the parties to the proposed civil partnership that the proposed civil partnership must be referred to the Secretary of State;
  - (c) give the parties to the proposed civil partnership prescribed information about—
    - (i) the effects of the referral;
    - (ii) the requirement under regulations under section 9B to notify the Secretary of State of changes of address.
- (6) The registration authority must act in accordance with regulations when complying with the duty in subsection (5)(a) to refer a proposed civil partnership to the Secretary of State.
- (7) Regulations may, in particular, make provision about—
  - (a) the form, manner or timing of the referral of a proposed civil partnership;
  - (b) information, photographs or evidence — or copies of any of those things — to be included with the referral of a proposed civil partnership.
- (8) If the registration authority refers the proposed civil partnership to the Secretary of State, this Act has effect in relation to the proposed civil partnership subject to the modifications in Schedule 3A.
- (9) In this section—



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- (a) a reference to a person being an exempt person has the same meaning as in section 49 of the Immigration Act 2014;
- (b) “prescribed information” means information prescribed in regulations;
- (c) “regulations” means regulations made by the Secretary of State after consulting the Registrar General.”.

#### Commencement Information

**I5** Sch. 4 para. 24 in force at 20.10.2014 for specified purposes by S.I. 2014/2771, art. 3(e)

VALID FROM 01/03/2015

25 After Schedule 3 insert—

“SCHEDULE  
3A

MODIFICATIONS IF PROPOSED CIVIL  
PARTNERSHIP REFERRED UNDER SECTION 12A

*Introduction*

- 1 (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.

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

- 2 (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.
- (4) Event 3 occurs if—

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- (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.

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

- 3 (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.

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(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.

*Effect of shortening waiting period*

4 (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.”.

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*Civil partnership referred to Secretary of State: issue of civil partnership schedule*

26 (1) In section 14 (issue of civil partnership schedule), at the end insert—

“(6) This section has effect subject to section 14A.”.

(2) After section 14 insert—

**“14A Notice of proposed civil partnership: false information or evidence**

(1) A registration authority may refuse to issue a civil partnership schedule under section 14(1) in a case where—

- (a) notice of a proposed civil partnership has been given under section 8, and

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- (b) a registration authority has reasonable grounds for suspecting that a relevant decision was made incorrectly because of the provision of false information or evidence.
- (2) If a registration authority refuses to issue the schedule, the parties to the proposed civil partnership are to be taken not to have given notice under section 8; 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 registration authorities to refuse to issue civil partnership schedules.
- (4) In this section—
  - “evidence” includes a photograph or other image;
  - “exempt person” has the same meaning as in section 12A;
  - “relevant decision” means a decision of a registration authority that a party to the proposed civil partnership is an exempt person.”
- (3) In section 15 (appeal against refusal to issue civil partnership schedule)—
  - (a) in subsection (1)(b), after “14(3)” insert “ or 14A ”;
  - (b) after subsection (2) insert—
    - “(3) In a case where—
      - (a) in reliance on section 14A, a registration authority refuses to issue a civil partnership schedule, and
      - (b) on an appeal against the refusal, the Registrar General directs that a civil partnership schedule be issued,
 section 14A(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 8.”
- (4) In section 16 (frivolous objections and representations: liability for costs etc)—
  - (a) in the title, after “**representations**” insert “ **and appeals** ”;
  - (b) after subsection (3) insert—
    - “(3A) If—
      - (a) in reliance on section 14A, a registration authority refuses to issue a civil partnership schedule, and
      - (b) on an appeal against the refusal, the Registrar General declares that the appeal is frivolous,
 the person making the appeal is liable for the costs of the proceedings before the Registrar General.”;
  - (c) in subsection (4), for “such costs and damages” substitute “ costs and damages in accordance with subsection (3) or (3A) ”.

*Relevant nationals*

27 After section 30 insert—

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### “30A Relevant nationals

In this Chapter “relevant national” means—

- (a) a British citizen,
- (b) a national of an EEA State other than the United Kingdom, or
- (c) a national of Switzerland.”.

#### Commencement Information

**I6** Sch. 4 para. 27 in force at 20.10.2014 for specified purposes by S.I. 2014/2771, art. 3(e)

#### *Regulations and orders*

- 28 (1) Section 36 (regulations and orders) is amended in accordance with this paragraph.
- (2) In subsection (3), after “6A” insert “ 9B, 9E(2), 12(7) or 12A ”.
- (3) In subsection (5), after “6A” insert “ 9B, 9E(2) or 12A ”.
- (4) In subsection (6), after “section” insert “ 9D or ”.

#### Commencement Information

**I7** Sch. 4 para. 28 in force at 20.10.2014 for specified purposes by S.I. 2014/2771, art. 3(e)

VALID FROM 01/03/2015

#### *Proof of certain matters not necessary to validity of civil partnership*

- 29 In section 52 (proof of certain matters not necessary to validity of civil partnership), in subsection (1)—
- (a) omit the word “or” at the end of paragraph (a);
  - (b) at the end of paragraph (aa) insert “or
    - (ab) that, in the case of a civil partnership to which Schedule 3A applied, any of the events listed in paragraph 2(2) to (6) of that Schedule occurred.”.

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