

IMMIGRATION ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4: Marriage and Civil Partnership

Chapter 3: Other Provisions

Schedule 6: Information

Part 1: Disclosure of information etc where proposed marriage or civil partnership referred to Secretary of State

334. *Paragraph 1(1)* provides that the paragraph applies if a superintendent registrar refers a proposed marriage to the Secretary of State under section 28H of the 1949 Act, or a registration authority refers a proposed civil partnership to the Secretary of State under section 12A of the Civil Partnership Act 2004.
335. *Paragraph 1(2)* allows the Secretary of State to disclose relevant information, including supplying a document containing relevant information, to a registration official.
336. *Paragraph 1(3)* defines the meaning of “relevant information” to include the fact that a proposed marriage or civil partnership has been referred; the names of the parties to the proposed marriage or civil partnership; any information included with the referral in accordance with regulations under section 28H of the 1949 Act or section 12A of the Civil Partnership Act 2004; the address of any party notified to the Secretary of State in accordance with the regulations; details of any immigration enforcement action taken by the Secretary of State in respect of a party to the proposed marriage or civil partnership; and details of any immigration decision taken by reference to the marriage or civil partnership.

Part 2: Disclosure of information etc for immigration purposes etc

Disclosures by registration officials

337. *Paragraph 2(1)* allows a registration official to disclose any information or supply any document held to the Secretary of State or to another registration official for a purpose defined in sub-paragraph (2).
338. *Paragraph 2(2)* provides for information to be disclosed for (a) immigration purposes and (b) purposes connected to the referral of proposed marriage and civil partnership notices.
339. *Paragraph 2(3)* defines “immigration purposes” for the purpose of this paragraph.
340. *Paragraph 3* allows a registration official to disclose to another registration official that a suspicion about a marriage or civil partnership has been reported to the Secretary of State under section 24 or 24A of the 1999 Act and the content of that report.

Disclosures by the Secretary of State

341. *Paragraph 4(1)* allows the Secretary of State to disclose any information or supply any document to a registration official for a specified verification purpose defined in sub-paragraph (2).
342. *Paragraph 4(2)* defines specified “verification purposes” used in this paragraph, including the verification of information provided by a person giving notice of marriage or civil partnership; and the verification of the immigration status, and any suspected or actual involvement in immigration offences, of people who contact the registration service in connection with the exercise of a registration function.
343. *Paragraph 4(3)* defines “relevant official” in this paragraph.

Part 3: Disclosure of information etc for prevention of crime etc

344. *Paragraph 5(1)* allows a registration official to disclose any information or supply any information to an eligible person or another registration official in England and Wales for the purpose of crime-fighting.
345. *Paragraph 5(2)* provides for information to be disclosed for crime-fighting purposes if the conditions set out in sub-paragraphs (3) (Condition A) and (4) (Condition B) are met.
346. *Paragraph 5(3)* provides that Condition A is met if the registration official has reasonable grounds for suspecting that a criminal offence has been, is being, or will be committed.
347. *Paragraph 5(4)* provides that Condition B is met if the registration official discloses the information or supplies the document for the purpose of verification of information supplied to another registration official or assisting in the prosecution, investigation, detection or prevention of a criminal offence.
348. *Paragraph 5(5)* defines “eligible person” in this paragraph.

Part 4: General Provisions

Limitations on powers

349. *Paragraph 6* limits powers under this Schedule and provides that this Schedule does not authorise (a) a disclosure in contravention of the Data Protection Act 1998 of personal data not exempt from those provisions or (b) a disclosure prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000.

No breach of confidentiality etc

350. *Paragraph 7* provides for disclosure of information authorised by this Schedule not to breach obligations of confidence or restrictions on the disclosure of information.

Retention, copying and disposal of documents

351. *Paragraph 8* permits a person who is supplied with a document under this Schedule to retain it, copy it or dispose of it in an appropriate manner.

Saving for existing powers

352. *Paragraph 9* provides for no limit to be made on any other power to disclose information or supply documents.

Meaning of “registration official”

353. *Paragraph 10* defines “registration official.”